

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9057 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- EKANGARSARAI District- Nalanda

1. KAMLESH KUMAR
2. Chandan Kumar
both Sons of Tunnu Jamadar Resident of Village – Dawabigha, P.S.
Ekangarsarai, Dist. Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341,323,307,504/34 IPC read with Section 3 and 4 of the Prevention of Witchcraft Act registered in connection with Ekangarsarai P.S. Case No. 205/2018.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion and except which there is no other material to connect the petitioners with the alleged occurrence. The injury of the informant's wife attributed to the assault with lathi by the petitioner is simple in nature. Assault on the informant's mother by petitioner no. 2 and co-accused Naresh Jamadar is general and omnibus and the injuries are not attributed individually.

4. Having regard to the nature of accusations and gravity of offence alleged and considering that the injuries sustained by the informant's mother are said to be grievous and attributed to the petitioner no. 2 along with co-accused Naresh Jamadar, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner



no.2. Bail petition as against him stands dismissed.

5. As regards petitioner no.1, considering that the injuries on informant's wife are simple in nature, in the event of arrest or surrender by the petitioner no.1 before the court below within six weeks from the date of communication of this order, let the above named petitioner no.1 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Hilsa, Nalanda, in connection with Ekangarsarai P.S. Case No. 205/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner no.1.

ii. That the petitioner no.1 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner no.1 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner no.1 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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