

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16135 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- SURYAGARHA District- Lakhisarai *

1. Kundan Kumar @ Kundan Singh, Son of Subodh Singh Resident of Village - Hasanpur, (Diara), P.S.- Pipriya, District - Lakhisarai
2. Pramod Singh, Son of Late Ramdev Singh Resident of Village - Hasanpur, (Diara), P.S.- Pipriya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 325 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Amit Kumar @ Karu, dated 06.07.2018 submitted to the Station House Officer, Suryagarha Police Station, is to the effect that on 05.07.2018 at about 2.30 A.M., the father of the informant was returning after watching an orchestra programme, but on the way, all the 10 F.I.R. named accused persons including the petitioners came variously armed and stopped him when co-



accused Shekhar Kumar caught hold of him whereas co-accused Avnish Kumar assaulted the father of the informant with iron rod causing injury on his head when other accused persons assaulted him with lathi and danda. It is further alleged that on alarm being raised, all the accused persons resorted to fire.

It is submitted by learned counsel for the petitioners that accusation of assault and catching hold of the father of the informant has not been alleged against the petitioners. The accusation against the petitioners is omnibus and general. It is further submitted that similarly situated co-accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 07.02.2019, passed in Cr. Misc. No. 76986 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the accusation against the petitioners being omnibus and general and similarly situated co-accused persons being granted anticipatory bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any



criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha P.S. Case No. 116 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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