

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33949 of 2019

Arising Out of PS. Case No.-220 Year-2018 Thana- MAHUA District- Vaishali

1. Guddu Kumar @ Adarsh Kushwaha Guddu @ Adarsh Kushwaha, Son of Manoj Singh, Resident of Village - Mirjanagar Paharpur, P.S.- Mahua, District- Vaishali
2. Chhotu Kumar @ Chhotu Singh, Son of Nagendra Singh, Resident of Village - Mirjanagar Paharpur, P.S.- Mahua, District- Vaishali
3. Vikash Kumar, Son of Upendra Singh, Resident of Village - Mirjanagar Paharpur, P.S.- Mahua, District- Vaishali
4. Ratnesh Kumar, Son of Indradeo Singh, Resident of Village - Mirjanagar Paharpur, P.S.- Mahua, District- Vaishali
5. Vimal Singh @ Vimal Kumar Singh, Son of Ram Vilash Singh, Resident of Village - Mirjanagar Paharpur, P.S.- Mahua, District- Vaishali
6. Manoj Kumar @ Manoj Singh, Son of Ramdev Singh, Resident of Village - Mirjanagar Paharpur, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate.
For the Opposite Party/s : Mr.A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahua P.S. Case No. 220 of 2018, registered under Sections 341, 323, 324, 307, 427, 461, 379, 448 and 380/34 of the Indian Penal Code.

The accusation is that in the morning of 08.08.2018



truck loaded with sand of informant, Mukesh Kumar, reached near the house of Bhola Singh. At that time, a school bus was coming from the opposite side. Due to narrow of road at that place, informant asked the bus driver to back the bus then the bus driver started to back the bus but back wheel of bus crossed the stored dunk of Bhola Singh. On which, Bhola Singh, Manoj Singh (petitioner no. 6) and Vimal Singh (petitioner no.5) called 4-5 persons and ordered to kill the informant. Thereafter, all started to attack through lathi, danda and rod to the informant causing injury at his head and they also damaged his motorcycle. When the informant entered in the house then Guddu Kumar (petitioner no.1), Chhotu Kumar (petitioner no.2), Vikash Kumar (petitioner no.3) and Ratnesh Kumar (petitioner no.4) having lathi, danda and Farsa also entered in the house. At that time, Manoj Kumar (petitioner no.6) made attempt to give sword blow at his head but the same hit over his neck. When father, uncle, mother and wife of the informant rushed to save him then they were assaulted and the cloths of his mother and wife were also tor. At that time, they also damaged tractor, three motorcycles, bicycle, hand pump and solar plate of informant.

Learned counsel for the petitioners submits that due to petty dispute, quarrel took place, in which, petitioners' side



also sustained injury, regarding which, Mahua P.S. Case No. 263 of 2018 is also instituted on the basis of written report of co-accused, Bhola Singh. It is further submitted that the injuries as found on the persons of the informant and other injured are simple in nature, except the injury as found on the person of uncle of the informant, which is grievous in nature and the said injury is said to be caused by petitioner no. 6.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 1, 2, 3, 4 and 5 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 220 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner no. 6, namely, Manoj Kumar @ Manoj Singh is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no.6 is directed



to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

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(Rajendra Kumar Mishra, J)

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