

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69733 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Kanhaiya Kumar S/o Ramoday Paswan @ Ram Uday Paswan, R/o Village-
Ambedkar Nagar, Bikrampur, P.S.- Cheria Bariarpur, Distt.- Begusarai
 2. Devesh Kumar S/o Ramoday Paswan @ Ram Uday Paswan, R/o Village-
Ambedkar Nagar, Bikrampur, P.S.- Cheria Bariarpur, Distt.- Begusarai
 3. Pankaj Paswan S/o Ramoday Paswan @ Ram Uday Paswan, R/o Village-
Ambedkar Nagar, Bikrampur, P.S.- Cheria Bariarpur, Distt.- Begusarai
 4. Sanjay Paswan S/o Ramoday Paswan @ Ram Uday Paswan, R/o Village-
Ambedkar Nagar, Bikrampur, P.S.- Cheria Bariarpur, Distt.- Begusarai

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-12-2019 Heard learned counsel for the petitioners and learned
APP for State.

The petitioners in this case are seeking anticipatory
bail in connection with Cheria Bariayarpur P.S. Case No. 41 of
2019 registered for the offences punishable under Sections 341,
147, 148, 379, 307, 354(B) and 427 of the Indian Penal Code.

Since the case diary has been received, on the request
of learned counsel for the petitioners the matter has been heard.

On perusal of the case diary learned APP for the State
has not controverted the submission of learned counsel for the



petitioners that so far as petitioner nos. 1 and 2 are concerned there is no allegation of causing assault against them on any vital part of the body and they are not said to have caused any injury on vital part of the body of the informant and others, therefore, so far as petitioner nos. 1 and 2 are concerned, let the petitioner nos. 1 and 2 in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariayarpur P.S. Case No. 41 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

So far as petitioner nos. 3 and 4 are concerned, learned counsel for the petitioners submits that although there are allegation of giving assault against these two petitioners but the injuries caused are simple in nature. In the opinion of this Court, there being an allegation of assault against these petitioners on a vital part of the body, this Court would not be inclined to grant privilege of anticipatory bail to these petitioners, however, contentions of the petitioners that there is a case and counter case that they are co-villagers and the injuries found are simple in nature shall be considered by the court below, if the petitioner nos. 3 and 4 surrender and pray for regular bail in the court within a period of four weeks from today, the same shall be considered without being prejudiced by the order of this Court.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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