

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78154 of 2019

Arising Out of PS. Case No.-309 Year-2019 Thana- PALIGANJ District- Patna

1. Ramjee Sao, son of late Varun Sao @ Badhu Sao, resident of village - Purani Saraiya, P.S.- Paliganj, District - Patna.
2. Arun Kumar, son of Ramjee Sao, resident of village - Purani Saraiya, P.S.- Paliganj, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. At the very outset, learned counsel for the
petitioners submitted that he is pressing the application only on
behalf of petitioner no. 2. Accordingly, the application on behalf
of petitioner no. 1 stands dismissed as not pressed.

3. The petitioner no.2 apprehends arrest in connection
with Paliganj PS Case No.309 of 2019 dated 22.08.2019
instituted under Sections 147, 149, 448, 341, 323, 324, 307, 504,
427 and 379 of the Indian Penal Code.

4. The allegation against the petitioners and two
others is of general and omnibus assault by hard and blunt



substance leading to injuries and also of taking away rupees two lakhs worth jewellery and rupees seventy thousand cash. Further, against one unknown person, there is allegation of firing, which did not hit anyone.

5. Learned counsel for the petitioner no.2 submitted that there is only general and omnibus allegation without any specific or direct overt act attributed to him which resulted in any particular injury. It was submitted that the incident occurred due to rivalry between two families and there is also a counter case lodged by the petitioner no. 1 against the informant and family members of the present case. It was submitted that there is simple injury of lacerated wound and bruise sustained by both sides. Learned counsel submitted that even the wife of petitioner no. 1 has been made accused. It was submitted that petitioner no. 2 has no criminal antecedent.

6. Learned APP submitted that there is allegation of assault. However, he was not in a position to controvert the fact that injuries are minor and simple and there is counter case also in which other side suffered similar nature of injuries caused by hard and blunt substance.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within four weeks from today, the petitioner no. 2 be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Danapur, Patna, in Paliganj PS Case No.309 of 2019 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. The petitioner no.2 and the bailors shall execute bond with regard to good behaviour of the petitioner no.2. The petitioner no.2 shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner no.2 shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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