

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8633 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. BASANT KUMAR SINGH @ BASANT KUMAR Son of Rajesh Singh
Resident of Village - Rampur Kala, P.S.- Phulwaria, Dist.- Gopalganj.
2. Rajan Kumar Singh @ Rajan Kumar Son of Rajesh Singh Resident of
Village - Rampur Kala, P.S.- Phulwaria, Dist.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shyama Kant Singh
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare
	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Ashok Kumar, the learned APP appearing for the State.

At the outset, the learned counsel for the petitioners has submitted that the petitioner no. 1 has been arrested, hence, the present petition qua the petitioner no. 1 is not being pressed.

Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

This is an application for grant of anticipatory bail in connection with Pulwaria P.S. Case No. 226 of 2019 registered



for the offence punishable under Sections 341, 323, 324, 447, 325, 307, 354, 379, 504 and 506/34 of the Indian Penal Code

The accusation against the petitioner no. 2 is that he had cut the throat of the son of the informant by a sword.

The learned counsel for petitioner has submitted that the petitioner no. 2 is innocent, he has been falsely implicated in the present case and the injury report of the son of the informant, which is Annexure-3 to the present petition, does not show any grievous injury having been sustained by the son of the informant and in fact, no active bleeding had been found. It is further submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this by an order dated 10.1.2020 passed in Criminal Miscellaneous No. 85183 of 2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking in account the materials available in the case diary, though it is true that the son of the informant has received injury in his neck, however, the same does not appear to be so grievous so as to cause his death, nonetheless,



considering the fact that the petitioner no. 2 is having a clean antecedent and he is not likely to flee from the ensuing trial, if any, or tamper with the evidence, I deem it fit and proper to admit the petitioner no. 2 to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioner no. 2 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Phulwaria P.S. Case No. 226 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner no. 2 would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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