

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7793 of 2020

Arising Out of PS. Case No.-457 Year-2019 Thana- CIVIL LINE District- Gaya

1. ANIL KUMAR @ ANIL SAO @ ANIL PRASAD S/o Late Rambriksh Prasad @ Rambriksha Sao Resident of Mohalla- Bahuar Chaura, P.S.- Civil Lines, District- Gaya.
2. Alok Kumar S/o Anil Kumar @ Anil Sao @ Anil Prasad Resident of Mohalla- Bahuar Chaura, P.S.- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudha Chandra
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2020 The present case was heard at length on 17.06.2020 and it has been listed today under the heading “For Orders”.

The petitioners apprehend their arrest in connection with Civil Lines P.S. Case No. 457 of 2019 (G.R. No. 5299 of 2019) for the offence punishable under Sections 307, 379, 302 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that on 07.10.2019 at about 12 in the midnight, a Bhandara programme was going on in the temple and in the meantime, one Raju Sao came on a four wheeler vehicle and parked his vehicle on the road, which was objected to by the husband of the informant



namely Ravi Kant Sinha, whereupon the accused persons including the petitioners herein and 10 to 15 unknown persons came there and assaulted the husband of the informant. It has also been alleged that co-accused Raju Saw had assaulted the husband of the informant with iron rod and other co-accused namely Rahul Kumar assaulted him with pistol's butt. Thereafter, it is alleged that the informant and her son had gone there to save the husband of the informant, however, they were also assaulted and a sum of Rs. 5500/- was taken away by the accused persons from the pocket of the husband of the informant. The husband of the informant was seriously injured and he is stated to have died later on, during the course of medical treatment.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that the present case has been filed as a counter blast to one case filed by the co-accused person namely Santosh Kumar in which the members of the prosecution party are accused. It is further submitted that a bare perusal of the FIR would show that specific allegation of assault has been made against co-accused persons namely Raju Saw and Rahul Kumar



and as far as the petitioners are concerned, a general and omnibus allegation has been levelled by the informant.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record and considering the material available in the case diary, it appears that specific allegation of assault has been levelled against the co-accused persons namely Raju Saw, who is stated to have assaulted the deceased with iron rod and Rahul Kumar, who is stated to have assaulted the deceased with pistol's butt and the cause of death in the postmortem report has been stated to be on account of head injury and its complication and the doctor has also opined that the injuries found on the person of the deceased are anti mortem in nature, caused by hard and blunt substance. This Court further finds from the records that a general and omnibus allegation has been levelled against the petitioners herein and there is no allegation of any sort of specific overt act qua the petitioners herein and no such allegation appears to have been made by any witness, whose statement has been recorded by the police during the course of investigation in the case diary and moreover, the petitioners are having clean antecedent, hence, I deem it fit and proper to admit



the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Police Lines P.S. Case No. 457 of 2019 (GR No. 5299 of 2019).

It is further directed that the petitioners would mark their presence before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week for a period of two months so that the police may interrogate the petitioners and to complete the investigation.

(Mohit Kumar Shah, J)

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