

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8979 of 2020

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

1. Mantu Kumar S/o Rajesh Singh Resident of Village- Rampur Kala, P.S.- Phulwaria, Distt- Gopalganj
2. Mausam Kumar S/o Nagendra Singh Resident of Village- Rampur Kala, P.S.- Phulwaria, Distt- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Satyapal Singh, Adv. Mr.Shailendra Kumar, Adv. Mr.Vyas Kumar Mishra, Adv.
For the Informant	:	Mr.Lokesh Kumar Singh, Adv.
For the Opposite Party	:	Mr.Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 At the outset learned counsel for the petitioners seeks to withdraw the present anticipatory bail petition qua the petitioner No. 1, in order to enable him to surrender before the learned court below and seek regular bail.

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

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

The petitioner No.2 apprehend his arrest in connection with Phulwaria P.S. Case No. 226 of 2019 for the offence punishable under Sections 341, 323, 324, 447, 325, 307,



354, 379, 504 and 506/34 of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant and his sons. As far as the petitioner No. 1 is concerned he is stated to have inflicted Farsa blow on the right shoulder of one Amit Kumar, however, there is no allegation of any specific overt act as against the petitioner No. 2.

The learned counsel for the petitioner has submitted that as far as the petitioner No. 2 is concerned, there is no specific allegation of any sort of overt act and moreover he is having a clean antecedent, as such at least the petitioner No. 2 is entitled to the privilege of anticipatory bail.

The learned counsel for the informant has opposed the prayer for bail, only as far as the petitioner No. 1 is concerned.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct for release of the petitioner No. 2 on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner no. 2 above named is directed to be released on



anticipatory bail on furnishing bail-bonds of Rs. 10,000/-(rupees ten thousand) with two sureties of the like amount to the satisfaction of learned Learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Phulwaria P.S. Case No. 226 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

K.K.RAO/-

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