

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12286 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. CHANDAN KUMAR S/o Ramvinod Singh Resident of Bairaha, P.S.- Bathnaha, District- Sitamarhi
2. Nandan Kumar S/o Ramvinod Singh Resident of Bairaha, P.S.- Bathnaha, District- Sitamarhi
3. Shatrudhan Bhagat @ Shatrudhan Singh S/o Shankar Bhagat @ Shankar Singh Resident of Bairaha, P.S.- Bathnaha, District- Sitamarhi
4. Ram Gyan Mahto S/o Saryug Mahto Resident of Bairaha, P.S.- Bathnaha, District- Sitamarhi
5. Bharat Bhagat S/o Shambhu Bhagat Resident of Bairaha, P.S.- Bathnaha, District- Sitamarhi
6. Ghanshyam Kumar S/o Ram Vinod Singh Resident of Bairaha, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Adv.
For the Opposite Party/s	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Mr. Mahendra Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 07-09-2020 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant, through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail in connection with Bathnaha P.S. Case No. 235 of 2019 registered under sections 379, 384, 323, 324, 147, 148, 149, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.



On account of arrest of petitioner no. 2, Nandan Kumar, the instant application for anticipatory bail is confined to petitioner nos. 1, 3, 4, 5 and 6.

As per allegation in the FIR, it is stated that the accused persons came variously armed and assaulted the informant and others. It is stated that the petitioner no. 1 struck with the butt of the pistol to the wife of the informant, as a result of which she fell down injured.

It is submitted by learned counsel for the petitioners that the allegations are general and omnibus in nature. The petitioners have been falsely implicated in the case because of pending disputes between the parties. In support of his contention, counsel for the petitioners refers to Annexures 2 and 3, which are the cases filed by the petitioner no. 5 against the informant of the case and the FIR lodged by the petitioner no. 1, wherein the informant of the case besides others have been made accused. It is submitted that the allegation of the petitioner no. 1 causing injury to the wife of the informant is also incorrect.

The application for bail is opposed by learned APP for the State. Opposing the application for bail, learned counsel for the informant submitted that not only the petitioners are



named in the FIR, but there is direct allegation against them and specially against petitioner no. 1.

Having heard learned counsel for the parties and on going through the case diary of the case, it transpires that inspite of the specific assertion of the supervising authority, there is no injury report of the wife of the informant in the case dairy. Taking into consideration the submissions made on behalf of the petitioners, and the allegations being general and omnibus in nature, the Court is inclined to enlarge the petitioner nos. 1, 3, 4, 5 and 6 on anticipatory bail. The petitioner nos. 1, 3, 4, 5 and 6 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Bathnaha P.S. Case No. 235 of 2019, they shall be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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