

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9824 of 2020

Arising Out of PS. Case No.-103 Year-2019 Thana- BARIYARPUR District- Munger

1. Prem Kumar Goswami Son of Shivan Goswami Resident of Village - Kumarpur, P.S. - Bariyarpur, District - Munger.
2. Manish Kumar Goswami son of Late Suresh Goswami Resident of Village - Kumarpur, P.S. - Bariyarpur, District - Munger.
3. Rahul Kumar Son of Shivan Goswami Resident of Village - Kumarpur, P.S. - Bariyarpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha

For the Opposite Party/s : Mr.Rajeev Nayan (App 231)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners are apprehending arrest in connection with Bariyarpur P.S. Case No. 103 of 2019 for the offence under sections 147, 148, 149, 323, 354B, 307, 379, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners have no criminal antecedent.

In the instant case there is no allegation of use of weapon by petitioner no.2 whereas allegation against petitioner nos. 1 and 3 is that they have given iron rod blow to the informant side. So far as petitioner no.2 is concerned he has assaulted by fists and slaps.

Considering the fact that petitioner no.2 has not used



any weapon, the Court is inclined to grant anticipatory bail to the petitioner no. 2, let petitioner no.2, in the event of 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, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 2nd, Munger, in connection with Bariyarpur P.S. Case No. 103 of 2019 subject to the condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner nos. 1 and 3 are concerned, the Court is inclined to observe that in the event, the petitioner nos. 1 and 3 surrender before the court below and prays for regular bail, their application for regular bail may be considered on the same day and while passing final order on regular bail, the court below examine the nature of injury sustained by the informant side which is attributed by the petitioner nos. 1 and 3.

(Anil Kumar Upadhyay, J)

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