

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15731 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

1. LALMANI DEVI @ LALMUNI DEVI W/o- Late Vijay Prasad @ Vijay Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
2. Sudhir Kumar Son of Late Vijay Prasad @ Vijay Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
3. Sunil Kumar Son of Late Vijay Prasad @ Vijay Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
4. Anil Kumar Son of Late Vijay Prasad @ Vijay Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
5. Deepak Kumar Son of Later Vijay Prasad @ Vijay Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
6. Vikesh Kumar @ Vikash Kumar Son of Late Vijay Prasad @ Vijay Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
7. Mathura Sao Son of Late Mishri Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.
8. Arjun Sao Son of Late Mishri Sao Resident of Village- Bandi, P.S.- Neemchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar No1
For the State	:	Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

At the outset, it is submitted that during pendency of this application, the petitioner No. 4 namely, Anil Kumar has been



taken into judicial custody and hence, the application with regard to petitioner No. 4 has become infructuous.

Accordingly, this application against petitioner No. 4 is dismissed as being infructuous.

Heard learned counsel for the petitioner Nos. 1, 2 3, 5, 6, 7 & 8 and learned APP for the State.

The petitioner Nos. 1, 2 3, 5, 6, 7 & 8 are apprehending their arrest in a case registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code.

Allegedly, all the accused persons assaulted the informant, his wife and son by iron rod, sword, Gadasa, as a result of which, they received serious injury on the head and other parts of the body.

It has been submitted on behalf of the petitioners that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. It has been submitted that a petition has been filed in the court below stating that the matter has been resolved between the parties and the informant does not want to pursue the case.

On behalf of the State, it is submitted that the petitioners



are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner Nos. 1, 2 3, 5, 6, 7 & 8, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya in connection with Neemchak Bathani P.S. Case No. 159 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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