

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19947 of 2020

Arising Out of PS. Case No.-2 Year-2019 Thana- SANOKHAR District- Bhagalpur

1. RAJ KISHORE SINGH Son of Mahavir Singh Resident of Village- Jagannathpur, P.S.Amdanda, District- Bhagalpur.
2. Rajesh Kumar Son of Raj Kishore Singh Resident of Village- Jagannathpur, P.S.Amdanda, District- Bhagalpur.
3. Ranjan Kumar @ Ranjan Kumar Singh Son of Raj Kishore Singh Resident of Village- Jagannathpur, P.S.Amdanda, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-07-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sanokhar (Amdanda) PS case no. 02 of 2019 registered for the offences punishable under Sections 308, 379 and other sections of Indian Penal Code.

The case of the prosecution in brief is that on 02.01.2019 at about 3 pm in the evening, the brother of the



informant namely Raj Kishore Singh had crossed his tractor through the garlic field of the informant causing damage to the garlic crops, which had resulted in an altercation between the son of the informant namely Binod and the said Raj Kishore Singh, however co-villagers had arrived and pacified them. Nonetheless, the accused persons including the petitioners herein, are stated to have again abused and manhandled the son of the informant and as far as co-accused person namely Rajesh Kumar is concerned, he is stated to have hit on the head of the son of the informant. It is further alleged that the accused persons had also engaged in assaulting the daughter-in-law and son of the informant who had arrived at the place of occurrence to rescue the son of the informant.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a general and omnibus allegation has been levelled as against the petitioners herein and there is no specific allegation of any sort of overt act. It is further submitted that most of the injuries found on the person of the injured are simple in nature and infact, the police had also filed charge-sheet in the present case only underailable Sections of the



Indian Penal Code, however the learned court below has differed from the same and taken cognizance for the offence punishable under Sections 308 and 379 of Indian Penal Code which are non-bailable. It is further submitted that the present case arises out of case and counter case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that the present case arises out of case and counter case and a general and omnibus allegation has been levelled against all the accused persons, apart from the fact that the police had filed charge-sheet against the accused persons including the petitioners herein only under the bailable sections of the Indian Penal Code as also the petitioners are having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Bhagalpur in



connection with Sanokhar (Amdanda) PS case no. 02 of 2019
subject to the conditions as laid down under Section 438(2) of
Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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