

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22651 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- HALSI District- Lakhisarai

1. KAUSHAL SINGH Son of Late Parshuram Singh Resident of Village - Nandnama, P.S. - Ramgarh Chowk, District - Lakhisarai.
2. Shailendra Singh Son of Late Parshuram Singh Resident of Village - Nandnama, P.S. - Ramgarh Chowk, District - Lakhisarai.
3. Sikandar Singh Son of Late Parshuram Singh Resident of Village - Nandnama, P.S. - Ramgarh Chowk, District - Lakhisarai.
4. Jitendra Kumar Son of Kaushal Singh Resident of Village - Mohiyan, P.S. - Halsi, District - Lakhisarai.
5. Sanjay Singh Son of Ram Balak Singh Resident of Village - Mahsoni, P.S. - Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-09-2020 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, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Abhay Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Halsi P.S. Case No. 13 of 2020 for the offence registered under Sections 147, 148, 149, 323, 341, 307 and 504 of the Indian Penal Code.

The accused persons including the petitioners herein are



stated to have assaulted the informant and his family members. The main accusation is against the co-accused namely Jai Ram Kumar who is stated to have assaulted Nilesh Kumar by khanti on his forehead resulting in serious injuries being inflicted upon him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case. It is further submitted that as far as petitioner nos. 1, 4 & 5 are concerned, they are having clean antecedents, however, the petitioner nos. 2 & 3 are accused in some other cases, however, they are on bail in the said cases. It is also submitted that the main accused is Jai Ram Kumar, who is not a petitioner in the present case and as far as the petitioners are concerned, a general and omnibus allegation has been levelled against them. Lastly, it is submitted that the petitioners are ready and willing to abide by such conditions as may be imposed by this Court for the purposes of grant of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that a general and omnibus allegation has been levelled against the petitioners herein regarding them having assaulted the members of the prosecution



party, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai in connection with Halsi P.S. Case No. 13 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners would mark their attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of their failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioners shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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