

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29528 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- GORAUL District- Vaishali

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1. CHUNNU KUMAR @ CHUNNU SINGH Son of Lal Babu Singh Resident of Village - Shambhupur Koari, P.S.- Sarai, District - Vaishali.
 2. Kanhai Kumar @ Kanhai Singh Son of Devendra Singh Resident of Village - Shambhupur Koari, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Awadhesh Kumar Singh, learned counsel for the petitioners and Mr. Abhay Kumar 1, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Goraul P.S. Case No. 02 of 2020 registered for the offences punishable under Sections 448, 452, 353, 323, 504 and 379/34 of the Indian Penal Code.

The allegation as per the First Information Report is that co-accused Mukesh Kumar Singh along with petitioner No. 1 and four unknown persons named in the First Information Report entered into the electric power substation and assaulted



its employee with fists and slaps and abused him. It has further been alleged that co-accused persons while leaving the Substation, took away the Hero Splendor Motorcycle and Mobile phone of Dharmendra Kumar who was on duty at that time.

Learned counsel for the petitioner submits that the petitioners have falsely been implicated in this case with oblique motive. Learned counsel further submits that no overt act has been alleged against petitioner No. 1 and petitioner No. 2 is not named in the First Information Report. Learned counsel also submits that no incriminating stolen material has been recovered from possession of the petitioners. The petitioner No. 1 is having inimical terms with the named co-accused Mukesh Kumar Singh inasmuch as Mukesh Kumar Singh married with his aunt (*Mami*) namely, Sita Devi, wife of Santosh Kumar Singh, which was opposed by the petitioner No. 1 and his family members. Accordingly, the petitioner No.1 has falsely been implicated in this case. Learned counsel also submits that during investigation, no material has been found against the petitioners to connect them in the present offence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the



fact that no specific allegation has been levelled against the petitioners in the First Information Report, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 02 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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