

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56001 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- PUNPUN District- Patna

1. ANAND KUMAR Son of Late Yogendra Yadav Resident of Village - Pothahi, P.S- Punpun, Distt - Patna.
2. Pawan Kumar Son of Late Yogendra Yadav Resident of Village - Pothahi, P.S- Punpun, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Ji Ojha

For the Opposite Party/s : Mr.Abhay Kumar

For the Informant : Mr. Alok Chaubey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 05-02-2020 Heard learned Counsel for the petitioners, learned Additional Public Prosecutor representing the State and learned Counsel appearing on behalf of the informant.

This application, for grant of anticipatory bail, arises out of Punpun P.S. Case No. 134 of 2019, disclosing offences under Sections 147/148/149/323/307/507 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with other six accused persons, carrying lethal weapons in their hand, surrounded the informant and petitioner no. 1 assaulted the informant on his head by butt of the pistol and the petitioner no. 2 has assaulted the informant on his head by means of iron rod.

Mr. Bachan Ji Ojha, learned Counsel appearing for the



petitioner submits that petitioners have falsely been implicated in this case due to previous enmity between the parties. Relying on paragraph 6 of the bail application, he submits that the present First Information Report has been lodged against the petitioners in retaliation of an earlier First Information Report lodged by petitioner no. 1, bearing Punpun P.S. Case No. 403 of 2017 under Sections 302 and 307 and another allied section of the Indian Penal Code, in which father of the petitioner no. 1, Yogendra Yadav, was brutally killed. He further submits that in the case lodged by the petitioner no. 1, the persons from the side of the informant were made accused. He, relying on Annexure-2 (injury report of the informant, Jaikant Prasad), submits that the injuries caused to the informant have been found to be simple in nature.

On the other hand, learned Counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioners have concealed the fact regarding having criminal antecedent inasmuch as in paragraph 3 of this application, the petitioners have mentioned only three cases against them; whereas the case bearing Punpun Police Station Case No. 26 of 2009 has not been disclosed in the bail application deliberately.



Learned Counsel for the petitioners submits that due to inadvertence, the said case could not be mentioned in the bail application and there was no intention to conceal this fact from the Court.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be previous enmity between the parties and the injuries sustained by the informant have been found to be simple in nature, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Masaurhi, Patna, in connection with Punpun Police Station Case No. 134 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

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