

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78625 of 2019

Arising Out of PS. Case No.-393 Year-2019 Thana- SONEPUR District- Saran

- =====
1. Amit Kumar, aged about 28 years (Male), son of Naresh Rai.
 2. Sujit Kumar, aged about 22 years (Male), son of Naresh Rai.

Both Resident of Village-Nazarmira, P.S. -Sonepur, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Shakil Ahmad Khan, learned counsel for the petitioners.

3. Mr. Parmanand Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP'), who was assigned the brief, though being sent the link and having been telephonically informed and who had also indicated that he would be appearing in the matter, when the case was taken up, he did not join the proceedings. When the host/Court Master



contacted him on telephone, the same was not answered.

4. Under the circumstances, the Court has taken assistance of Mr. Jharkhandi Upadhyay, learned APP, who had joined the video conference.

5. The petitioners apprehend arrest in connection with Sonapur PS Case No. 393 of 2019 dated 07.06.2019, instituted under Sections 341/323/325/354A/379/504/506/34 of the Indian Penal Code.

6. The allegation against the petitioners and two others is of assault on the informant and her cousin sister and also snatching away gold locket worth Rs. 15,000/- against petitioner no. 1 and against petitioner no. 2 of assault on the chin of the informant with iron rod.

7. Learned counsel for the petitioners submitted that the parties are next door neighbours and due to previous enmity, this totally false case has been instituted. It was submitted that the incident is said to have taken place on 02.06.2019 but the FIR has been lodged on 07.06.2019 and there is absolutely no explanation for the delay. Learned counsel submitted that in the so called injury, even during investigation, it has come that no opinion has been assigned with regard to the injury report and it was kept reserved, which indicates that nothing substantive was



found. Learned counsel submitted that the petitioners have no criminal antecedent and for oblique reasons have been falsely implicated in this case and the allegations, from the very FIR, stand self-contradicted.

8. Mr. Jharkhandi Upadhyay, learned APP, submitted that there is allegation of assault against petitioner no. 2 and that the petitioner no. 1 had taken away gold locket. However, he did not controvert the fact that the allegation of assault is general and omnibus and against petitioner no. 2 also it is said that the iron rod blow by him hit the informant on chin.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra (Saran) in Sonapur PS Case No. 393 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) one of the bailors shall be a close relative of the petitioners and (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners.



Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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