

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87080 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- DULHIN BAZAR District- Patna

1. Mani Kumar @ Manni Kumar Son of Manoj Mistry
2. Niranjana Kumar Son of Baleshwar Yadav
both are resident of Village - Narahi, P.S.- Dulhin Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 24-02-2020 Supplementary affidavit has been filed on behalf of
the petitioners. Let it be kept on record.

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Dulhin Bazar P.S. Case No. 115/2019 registered for the offences
punishable under Sections 341, 323, 307, 448, 379, 504 and
506/34 of the Indian Penal Code.

There is specific allegation of giving twice dagger
blow to injured Rajeshwar Singh against petitioner No. 1,
namely, Mani Kumar @ Manni Kumar, so far as petitioner No.
2, namely, Nirajan Kumar, there is omnibus allegation of assault
and theft against him.



Learned counsel appearing for petitioner submits that some co-accused, namely, Manoj Mistry and Raja Kumar have already been admitted anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 6.9.2019 passed in Cr. Misc. No. 56737/2019. He, further, submits that, moreover, injured Rajeshwar Singh sustained two injuries said to be caused by hard and blunt substance. The photostat copy of injury report of Rajeshwar Singh has been annexed with this petition and the aforesaid injury report goes to show that the concerned doctor found two cut injury on the scalp of the injured but, surprisingly enough, the aforesaid doctor opined that the aforesaid injury was caused by hard and blunt substance.

Moreover, considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner No. 2, namely, Niranjan Kumar, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, III, Danapur, District Patna in Dulhin Bazar P.S. Case No. 115/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.



So far as bail prayer of petitioner No. 1, namely Mani Kumar @ Manni Kumar, is concerned, the same stands rejected.

However, it is made clear that if petitioner No. 1, namely Mani Kumar @ Manni Kumar, surrenders and seeks regular bail before the concerned court within six weeks from today, the concerned court shall consider the regular bail of petitioner No. 1, namely Mani Kumar @ Manni Kumar, on its own merit and without being prejudiced by this order, particularly, keeping in mind the nature of injury sustained by the injured Rajeshwar Singh as well as informant of this case.

(Hemant Kumar Srivastava, J)

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