

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22339 of 2021

Arising Out of PS. Case No.-195 Year-2018 Thana- SAKURABAD District- Jehanabad

1. MUKUL KUMAR Son of Sanjay Sharma Resident of Village - Pokhwan, P.S.- Shakurabad, Distt.- Jehanabad.
2. GAUTAM KUMAR Son of Navlin Sharma Resident of Village - Pokhwan, P.S.- Shakurabad, Distt.- Jehanabad.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Gajendra Kumar Singh, Advocate.
For the State : Mr. Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-09-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 23.03.2021, within four weeks from today.

At the very outset, learned counsel for the petitioners submits that the petitioner no.1, namely, Mukul Kumar, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Mukul Kumar, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Mukul Kumar.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Mukul Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Gautam Kumar, for granting him the privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner no.2, namely, Gautam Kumar, and the learned A.P.P. for the State.

The petitioner no.2, namely, Gautam Kumar, apprehends his arrest in connection with Shakurabad P.S. Case No.195 of 2018 registered under Sections 341, 323, 307, 379, 354 and 504/34 of the Indian Penal Code.

The accusation is that the father-in-law, husband and son of the informant Nitu Devi were doing the work at Dalan. After short interval, the informant heard the noise there, then she went there and saw that 9 persons, named in the F.I.R., including the petitioner no.2, namely, Gautam Kumar, were scuffling with her father-in-law, husband and son. At that time, Navlin Sharma, gave the iron rod blow at the forehead of the informant, due to which blood started oozing out from her forehead and she fell down on the ground. Sanjay Sharma and Ajay Sharma also caused assault to the informant through fists and slaps and torn her blouse. At that time, Venkatesh Kumar

and Gautam Kumar (petitioner no.2) snatched the gold Mangalsutra from the neck of the informant. Vipul Kumar and Mukul Kumar also caused assault to the informant through legs and fists.

Learned counsel for the petitioner no.2, namely, Gautam Kumar, submits that due to some dispute, the occurrence of “Maar-Peet” took place between the parties in which the side of the petitioner no.2, namely, Gautam Kumar, also sustained injury regarding which on the basis of the fardbeyan of Rajmani Devi, the wife of the co-accused Navlin Sharma/the mother of the petitioner no.2, namely, Gautam Kumar, Shakurabad P.S. Case No.194 of 2018 was also instituted against the prosecution party. Furthermore, the only allegation against the petitioner no.2, namely, Gautam Kumar, is that he along with the co-accused Venkatesh Kumar snatched the gold Mangalsutra from the neck of the informant.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Gautam Kumar, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Md. Chand, Judicial

Magistrate, First Class, Jehanabad, in connection with
Shakurabad P.S. Case No.195 of 2018, subject to the conditions
laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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