

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16317 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- GHOSI District- Jehanabad

1. KUNDAN KUMAR Son of Sri Dhananjay Sharma Resident of Village - Rampur, Charui, P.S.- Ghosi (Okari), Dist.- Jehanabad.
2. Tripurari Kumar Son of Sri Kamal Sharma @ Kapil Sharma Resident of Village - Rampur, Charui, P.S.- Ghosi (Okari), Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16325 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- GHOSI District- Jehanabad

1. VIKASH KUMAR S/o Sri Mukesh Sharma R/o village- Rampur Charui, P.S.- Ghosi (Okari), District- Jehanabad
2. Rahul Kumar S/o Sri Jitendra Sharma @ Karu Sharma R/o village- Rampur Charui, P.S.- Ghosi (Okari), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16317 of 2020)

For the Petitioner/s : Mr.Birendra Nath Mishra

For the Opposite Party/s : Mr.Ganesh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 16325 of 2020)

For the Petitioner/s : Mr.Birendra Nath Mishra

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-04-2021 Heard Mr. Kasushal Kumar, learned counsel for the

petitioners and learned APP for the State through video

conferencing.



Petitioners seek anticipatory bail in connection with Ghosi (Okari – O.P.) P.S. Case No.356 of 2019 registered for the offences under Sections 147, 148, 149, 323, 341, 307, 379, 504 and 506 of the Indian Penal Code.

Since both the applications for anticipatory bail arise out of the same F.I.R., they have been heard together with the consent of the parties and are being disposed of by the same order.

The allegation against the petitioners in both the cases, as per FIR, is that they assaulted the relative and sons of the informant, by means of iron rod in which all the three persons received injuries.

Learned counsel for the petitioners submits that in both the cases the petitioners are young students between the age group of 20 – 23 years and they have no criminal antecedents and there was scuffle between both the parties relating to cricket match. Learned counsel next submits that from perusal of the injury report, it would be evident that the victim Akash Kumar has received four injuries, out of which, three are simple caused by hard and blunt substance and injury no.4 is grievous in nature and there is specific allegation of assault upon Akash Kumar is against petitioner Kundan Kumar



(in Cr.Misc.No.16317 of 2020). Learned counsel next submits that so far as other victims are concerned, injuries caused to them have been found to be simple in nature.

On the other hand, learned counsel for the State submits that there is specific allegation of assault upon petitioner Kundan Kumar (in Cr.Misc.No.16317 of 2020) by means of iron rod and the victim Akash Kumar has received grievous injuries, as such, he does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and material available on record and the fact that the injuries caused to Akash Kumar by petitioner Kundan Kumar (in Cr.Misc.No.16317 of 2020) is grievous in nature, I am not inclined to grant anticipatory bail to petitioner Kundan Kumar and, accordingly, the same is rejected.

However, the other petitioners are concerned, taking into consideration the material available on record and the fact that the injuries caused to other victims have been found to be simple in nature, I am inclined to grant anticipatory bail to rest of the petitioners.

Let the petitioners, namely Tripurari Kumar (in Cr.Misc.No.16317 of 2020), Vikash Kumar and Rahul Kumar



(in Cr.Misc.No.16325 of 2020) be released on anticipatory bail in the event of their arrest or surrender within six weeks from today, on their furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jahanabad in connection with Ghosi (Okari- O.P.) P.S.Case No.356 of 2019 subject to the conditions as laid down under Sections 438(2) of the Cr.P.C.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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