

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21986 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- DHAMDAHA District- Purnia

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1. BINAY KUMAR BHARTI S/O Late Deo Narayan Roy Resident of village - Dhamdaha Uttar (Dhar Tola) Ward No. 12, P.S.- Dhamdaha District- Purnia.
 2. Jagdish Roy S/o Late Guran Roy @ Ghuran Roy Resident of village - Dhamdaha Uttar (Dhar Tola) Ward No. 12, P.S.- Dhamdaha District- Purnia.
 3. Nanku Roy @ Gaurav Kumar S/O Jagdish Roy Resident of village - Dhamdaha Uttar (Dhar Tola) Ward No. 12, P.S.- Dhamdaha District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Kumar Praveen, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 20-07-2021 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

A supplementary affidavit has been filed on behalf of the petitioner with respect to correction in the spelling of the name of petitioner no.1 which has been incorrectly spelt as “Binary Kumar Bharti” instead of the correct “Binay Kumar Bharti”. Let the name of the petitioner no.1 be read as Binay Kumar Bharti.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection



with Dhamdaha P.S. Case no. 31 of 2020 registered for the offence under section 307 and other sections of the Indian Penal Code.

As per allegation in the F.I.R., the accused persons including the petitioners herein are stated to have come variously armed with iron rod etc. and assaulted the informant and his two sons.

It is submitted by learned counsel for the petitioners that the petitioners are innocent. The manner of occurrence as narrated in the F.I.R. are false and concocted. There is case and counter-case between the parties with the correct version having been narrated in the F.I.R. of the counter-case which is also on record. In the counter-case also, the petitioners' side sustained grievous injuries wherein the informant's side has been enlarged on anticipatory bail, one of the orders being order dated 15.3.2021 passed in Cr. Misc. No. 29990 of 2020. The petitioners have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the state and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the F.I.R. but there is direct allegation of overt act against them with an iron rod which is substantiated



from the injury report. It is not a case for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of anticipatory bail to the accused in the counter case, this anticipatory bail petition is allowed and it is ordered that petitioner, 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 in Dhamdaha P.S Case no. 31 of 2020 on each of them furnishing bail bonds of Rs 10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea subject to conditions as laid down under section 438(2) of the Cr.P.C..

(Partha Sarthy, J)

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