

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35569 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. GUDDU KUMAR Son of Vijay Kumar Resident of Village - Salther, Police Station - Udwant Nagar, District - Bhojpur.
2. Jikesh Kumar Son of Sudama Singh @ Sudama Yadav Resident of Village - Salther, Police Station - Udwant Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Surendra Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioners seek bail in Udwant Nagar P.S. Case
No. 86 of 2021, registered for the offence punishable under
Sections 307 and other allied sections of the Indian Penal Code.

As per prosecution case, on 19.02.2021 at about 6.00
pm, all the accused persons including this petitioner came at the
door of the informant and started abusing father of informant
and on being objected Jikesh Kumar (petitioner no. 2) along
with others is alleged to have assaulted on the head of father of
informant, as a result of which he sustained injury.



It is submitted on behalf of the petitioners that as per the FIR, allegation against Guddu Kumar petitioner no. 1 is only of abusing father of informant. Jikesh Kumar petitioner no. 2 is alleged to have assaulted father of informant on his head. There is general and omnibus allegation. Petitioners are in custody since 20.02.2021 having clean antecedent.

Counsel for the State vehemently opposed the prayer for bail and submitted that there is specific allegation of assault against petitioner no. 2 of causing hair line fracture involving the occipital bone to the father of informant which is grievous in nature.

Considering the facts aforesaid and the grievous injuries sustained by the father of informant, I am not inclined to enlarge the Jikesh Kumar petitioner no. 2 on bail. Accordingly, the same is rejected.

So far as, Guddu Kumar petitioner no. 1 is concerned, no specific overt act has been alleged against him, he is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No. 86 of 2021, subject to following conditions:-



(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

