

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23739 of 2020

Arising Out of PS. Case No.-551 Year-2019 Thana- AMARPUR District- Banka

1. Shishu Kumar S/O Prasadi Mandal Resident of Village - KumarKhal, Police Station - Amarpur, District - Banka.
2. Sudhir Kumar S/O Prasadi Mandal Resident of Village - KumarKhal, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-01-2021 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Amarpur P S Case No 551 of 2019 instituted for the offence under Section(s) 341,323, 307, 504 and 506 of the Indian Penal Code.

The allegation in the FIR is of abusing and brick bat against the petitioners.



The counsel for the petitioners submits that a dispute regarding lighting of fire crack has led to altercation between the parties. Earlier case diary has been received in this case. One of the independent witnesses in paragraph no 14 has in the course of investigation stated that, in fact, the informant was the aggressor leading to the scuffle between the parties. The petitioners bear no criminal antecedents and the injury report of the informant which has come in the course of investigation has opined the same to be simple in nature.

The learned APP has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate Banka, in connection with Amarpur P S Case No 551 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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