

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7399 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- CHANDI District- Bhojpur

1. CHANDAN KUMAR S/o- Shiv Kumar Singh @ Shiv Kumar, R/o Village- Rampur, P.S.- Chandi, District- Bhojpur.
2. Akhilesh Kumar S/o- Shiv Kumar Singh @ Shiv Kumar R/o Village- Rampur, P.S.- Chandi, District- Bhojpur.
3. Puja Kumari D/o Shiv Kumar Singh @ Shiv Kumar, R/o Village- Rampur, P.S.- Chandi, District- Bhojpur.
4. Shiv Kumar Singh @ Shiv Kumar S/o Late Ashkrit Singh, R/o Village- Rampur, P.S.- Chandi, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv.
		Mr. Raj Narayan Mishra, Adv.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard.

The petitioners apprehend their arrest in connection with Chandi P.S. Case No. 36 of 2020 for the offence punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code and 27 of the Arms Act.

The allegation is regarding quarrel having taken place in between the accused persons and the informant as also his family members on account of an old dispute over the pathway, on the eve of Holi wherein the petitioners and other accused persons are alleged to have assaulted the informant and his family members by stick (lathi).

The learned counsel for the petitioners has



submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that the injuries found on the person of the injured members of the prosecution party are simple in nature and a general and omnibus allegation has been levelled against the petitioners, however, no specific overt act has been alleged as far as the petitioners are concerned. It is further submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court by an order dated 3.12.2020 passed in Cr. Misc. No. 29099 of 2020.

Per contra, Shri Akshay Lal Pandit, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that a general and omnibus allegation has been levelled against the petitioners and no specific allegation of any sort of overt act qua the petitioners herein has been levelled and moreover, the injuries found on the person of the prosecution party are simple in nature, hence, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.



Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M. or concern court, Bhojpur at Ara in connection with Chandi P.S. Case No. 36 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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