

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32864 of 2020

Arising Out of PS Case No.-112 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. Ravish Kumar @ Rabish Kumar, aged 20 years, Male Son of Shyam Sundar Yadav.
2. Chandan Kumar, aged about 31 years, Gender-Male, Son of Rajendra Yadav. Both are resident of Village-Morma, Police Station-Amahara, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-03-2021

Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioners and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Lakhisarai (Amahara) PS Case No. 112 of 2020 dated 23.02.2020, instituted under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The petitioners along with others are accused of assault on the informant and two other persons and against two



other named co-accused, it is specific of firing on other two victims.

4. Learned counsel for the petitioners submitted that the allegation is that 15 persons were assaulted by rod, *lathi* and *danda* and only minor injuries have been found on the informant, his two sons and wife. However, it was submitted that as per the order dated 17.06.2020 of the Sessions Judge, Lakhisarai in ABP No. 206 of 2020, the injury report attached with the case diary, the doctor had opined that the informant sustained four injuries out of which injury no. 2 was grievous in nature and the rest three were simple. It was submitted that the same clearly demonstrate that there is no injury report with regard to any of the other victims as has been alleged in the FIR, the injury on the brother of the informant with regard to two other injured person, the two other named co-accused are specifically alleged to have fired and that is also reflected in the injury report for which the petitioners are not responsible. It was submitted that similarly situated co-accused Ragho Yadav; Balak Yadav @ Ram Balak Yadav; Dablu Kumar @ Chandra Prakash Kumar and Bablu Kumar have been granted anticipatory bail by a co-ordinate Bench by order dated 25.01.2021 passed in Cr. Misc. No. 31003 of 2020.



5. Learned APP submitted that there is allegation of assault by the petitioners also. However, it was not controverted that as per the allegation in the FIR, 15 persons had assaulted whereas the order of the Court below discloses that the case diary has injury report of only the brother of the informant which shows three simple injuries and one grievous.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in Lakhisarai (Amahara) PS Case No. 112 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms



and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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