

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31276 of 2020

Arising Out of PS. Case No.-162 Year-2018 Thana- JAHANABAD District- Jehanabad

1. MANTU KUMAR Son of Vinay Yadav Resident of Village- Ibrahimpur, P.S.- Shakurabad, District- Jehanabad.
2. Vikas Kumar Son of Late Uday Yadav @ Late Uday Kumar Resident of Village- Ibrahimpur, P.S.- Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Adv

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 09-04-2021 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 308, 379, 504/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 27.02.2018 at about 9:00 am when he was standing in front of the examination centre of her Sister, in the meantime petitioner no. 1 and co-accused Arun Kumar came and demanded his motorcycle and on refusal both accused started abusing and petitioner no.1 Mantu Kumar, assaulted him with iron rod on his right hand on account of which his finger got fractured and they also assaulted his brother Santosh Kumar with with iron rod on



account of which he suffered head injury. Co-accused Arun Kumar also assaulted Sanjeet Kumar on account of which he also got injuries on his body. Petitioner no. 1 snatched his mobile and co-accused Arun Kumar snatched his Helmet and Rs. 2500/- cash.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to animosity. It has been further submitted that from perusal of injury report (Annexure-2) it appears that the injuries are simple in nature, however, the injury sustained by Informant in his right finger is grievous in nature. Petitioners are students and have got no criminal antecedent. Neither Petitioner no. 2 Vikash Kumar is named in the FIR nor there is any allegation of assault against him.

Considering the aforesaid facts and circumstances of the case, **let the petitioner No. 2 Vikash Kumar** named above be released on **anticipatory bail** in the event of his arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Jehanabad P.S. Case No. 162 of 2018**, subject to the



conditions laid down under Section 438(2) of the Cr.P.C. with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tamper 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.

So far as **petitioner no. 1 Mantu Kumar**, is concerned, since there is direction allegation of assault against him on the person of the Informant which has been found to be grievous in nature, as such I am not inclined to enlarge the petitioner no. 1 on bail and his prayer for anticipatory bail is hereby **rejected**.

(S. Kumar, J)

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