

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34682 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- SAKURABAD District- Jehanabad

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1. Anand Kumar @ Anand Ram, male, aged about 45 years, son of Kapil Deo Ram @ Kapildeo Prasad
 2. Vikash Kumar, male, aged about 19 years, son of Anand Kumar @ Anand Ram
 3. Srikant Kumar @ Srikant Ram, male, aged about 35 years, son of Kapil Ram @ Kapildeo Prasad
- All are resident of Village- Narayanpur Math @ Narayanpur Mathia, Police Station- Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Gyanand Roy, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Shakurabad PS Case No. 58 of 2020 dated 22.04.2020, instituted under Sections 341, 323, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioners is that when



the informant came to their house to complain that the son of petitioner no. 1 had plucked papaya from her tree, all the accused who are family members, had abused and assaulted her and when her other family members came, the petitioners and others, variously armed, had also assaulted them with iron rod resulting in injury on the head and of fracture on the arm, besides other overt acts alleged against various accused persons.

5. Learned counsel for the petitioners submitted that the genesis of the incident is absolutely trivial since in the FIR itself it is stated that due to the son of the petitioner no. 1 plucking papaya from the tree of the informant, she had gone to make a complaint. It was submitted that in such background, clearly the informant side was the aggressor and the petitioners' side only acted in self defence. It was submitted that for the same incident, the petitioner no. 1 has instituted Shakurabad PS Case No. 59 of 2020 on 24.04.2020 i.e., the same day, under Sections 341/323/337/338/379/504/506/34 of the Indian Penal Code. It was submitted that the petitioners' side has also sustained injuries. Learned counsel submitted that though there is allegation of inflicting blow by iron rod on the head against petitioners, the same is not corroborated by the injury report as such injuries have been found to be simple in nature. Further,



with regard to petitioner no. 3, it was submitted that though the allegation is specific of assault by iron rod on the head and breaking of the bone of the hand, but that allegation is also general and omnibus. Learned counsel submitted that the petitioners have no other criminal antecedent.

6. Learned APP, from the case diary, submitted that though as per the FIR, there is allegation of assault against all the accused, including the petitioners, but the same is against petitioners no. 1 and 2 of causing fracture on the hand of Bhikha Yadav, which is not corroborated by the injury report, as after X-ray no fracture has been found, but against the petitioner no. 3, it is specific of assault by iron rod on the head and fracture of hand bone of Sri Ram Yadav, which is corroborated by the injury report where fracture of arm and collar bone has been found in X-ray.

7. 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 no. 1 and 2, namely, Anand Kumar @ Anand Ram and Vikash Kumar, respectively 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, Jehanabad in Shakurabad PS Case No. 58 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 no. 1 and 2, (ii) that the petitioners no. 1 and 2 and the bailors shall execute bond with regard to good behaviour of the petitioners no. 1 and 2, (iii) that the petitioners no. 1 and 2 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, and (iv) that the petitioners no. 1 and 2 shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners no. 1 and 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners no. 1 and 2.

9. Prayer for pre-arrest bail of petitioner no. 3, Srikant Kumar @ Srikant Ram stands rejected.



10. The petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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