

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34671 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- PARASBIGHA District- Jehanabad

1. Guddi Kumari(female) aged about 33 years wife of Birendra Kumar, resident of village- Jathiyara, P.O and P.S.- Parasbigha, District- Jehanabad
2. Vikash Kumar(male) aged about 20 years son of Naresh Ram, resident of village- Jathiyara, P.O and P.S.- Parasbigha, District- Jehanabad.
3. Akash Kumar(male) aged about 18 years son of Naresh Ram, resident of village- Jathiyara, P.O and P.S.- Parasbigha, District- Jehanabad.
4. Baban Ram(male) aged about 55 years son of late Jangi Ram, resident of village- Jathiyara, P.O and P.S.- Parasbigha, District- Jehanabad.
5. Lal Mohan Ram(male) aged about 50 years son of late Jangi Ram, resident of village- Jathiyara, P.O and P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Sinha, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr. Nitya Nand Neeraj, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ravindra Kumar Sinha, learned counsel for the petitioners; Mr. Bal Mukund Prasad Sinha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Nitya Nand Neeraj, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Parasbigha PS Case No. 43 of 2020 dated 23.03.2020, instituted



under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.

4. The allegation against the petitioners is of general and omnibus assault on the informant's side resulting in injuries.

5. Learned counsel for the petitioners submitted that the present case is counter blast to Parasbigha P.S. Case No. 42 of 2020 filed by the father of petitioners no. 2 and 3 against the informant's side which was instituted under Sections 341, 323, 307, 379, 427, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(9)(w)/3(ii)(v)(a) of SC/ST Act. It was further submitted that petitioners' side also received injuries and in the present case, the alleged injuries are simple in nature as would be clear from the order of the Court below which had gone through the injury reports. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that as per the allegation, the petitioners had assaulted the informant and others resulting in injuries. However, he did not controvert that allegation is general and omnibus without any specific allegation against any particular person and that the injuries caused have been found to be simple in nature.



7. Learned counsel for the informant submitted that the petitioners had come with pre-planning to cause serious injury on the informant's side and they also inflicted blow which included injury on the head which is a vital part. However, he also could not controvert that injuries are simple in nature and there is no specific overt act alleged against any particular accused.

8. 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, Jehanabad or his successor in connection with Parasbigha PS Case No. 43 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.

9. 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.

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

(Ahsanuddin Amanullah, J.)

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