

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34513 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- MALSALAMI District- Patna

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1. Nitish Kumar, aged about 20 years (M), son of Nagendra Rai,
 2. Vishal Kumar, aged about 20 years (M), son of Haricharan Rai,
 3. Santosh Kumar, aged about 20 years (M), son of Arvind Rai,
All resident of village- Rikabganj, P.S. - Malsalami, District- Patna.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan, Advocate
For the State : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bijay Bhushan, learned counsel for the petitioners and Mr. Umanath Mishra, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Malsalami PS Case No. 144 of 2020 dated 29.05.2020, instituted under Sections 341, 323, 307, 379, 427/34 of the Indian Penal Code.

4. The allegation against the petitioners is that on 29.05.2020 at about 1.00 PM, when the informant was going to unload the sand from his tractor, the accused had surrounded him and had generally assaulted him with iron rod due to which



he received head injuries and against co-accused, Hari Charan Rai, the allegation is that he had snatched Rs. 5200/- from the pocket of the informant.

5. Learned counsel for the petitioners submitted that besides having no criminal antecedent, no specific overt act is alleged against them and there is only a general and omnibus allegation of assault. It was submitted that, as per his instructions, there was no injury and, thus, the informant had not required any medical aid. Learned counsel submitted that he has filed supplementary affidavit bringing on record the compromise between the parties. It was submitted that the parties are neighbours.

6. Learned APP submitted that there is allegation of snatching of Rs. 5200/-, but he did not controvert that the allegation is general and omnibus and against another co-accused, it is of snatching Rs. 5200/-

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 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 ACJM-VI, Patna City in Malsalami PS Case No. 144 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 cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would 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, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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