

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35555 of 2020

Arising Out of PS Case No.-71 Year-2020 Thana- KALYANPUR District- Samastipur

1. Amarjeet Rai, aged about 45 years, Male Son of Kailash Rai.
2. Guddi Rai @ Guddu Rai @ Guddu Mariya, aged about 30 years, Male, Son of Kailash Rai.
Both resident of Village- Purushottampur, PS- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Md. Arif, APP
For the Informant	:	Mr. Brajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vinay Kumar Mishra, learned counsel for the petitioners; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Brajesh Kumar Singh, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Kalyanpur PS Case No. 71 of 2020 dated 20.04.2020, instituted under Sections 341, 323, 324, 307, 447 and 504/34 of the Indian Penal Code.



4. The allegation against the petitioners and others is of assault on the informant and his family members resulting in injuries.

5. Learned counsel for the petitioners submitted that the parties are agnates and there is land dispute between them and on the said date also both the sides got into a fight for which earlier in time a case has been filed from the petitioners' side and one of the accused namely, Santosh Rai has died. It was submitted that the allegation of assault is general and omnibus and most importantly, the injuries suffered on the part of the informant and his family members are all simple in nature. Learned counsel submitted that at the time of filing of the application, he did not have copy of the injury reports, but now the same has been received by him and after going through the same, he is making such statement. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the allegation is of assault by the petitioners also. However, it was not controverted that the same are general and omnibus in nature.

7. Learned counsel for the informant submitted that there was a fight between the parties and both the sides have suffered injury. However, he also did not controvert that the



allegations are general and omnibus in nature without there being any specific overt act attributed to the petitioners.

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, Samastipur in Kalyanpur PS Case No. 71 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 and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall 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.)

P. Kumar

AFR/NAFR	
U	
T	

