

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38841 of 2020

Arising Out of PS. Case No.-283 Year-2018 Thana- SALIMPUR District- Patna

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1. SANJAY KUMAR @ SANJAY KUMAR ROY S/O LATE RAMDEO ROY @ RAMDEB ROY @ RAMDEV RAI RESIDENT OF ROSE MARY LANE, P.S.-GOLABARI, DISTRICT-HOWRAH (WEST BENGAL)
 2. JITENDRA KUMAR @ JITENDRA KUMAR ROY @ AJEET KUMAR @ JITENDRA KUMAR RAI S/O LATE RAMDEO ROY @ RAMDEB ROY @ RAMDEV RAI RESIDENT OF ROSE MARY LANE, P.S.-GOLABARI, DISTRICT-HOWRAH (WEST BENGAL)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 01-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Salimpur P.S. Case no. 283 of 2018 instituted for the offence under Sections 147, 148, 149, 447, 341, 323, 307, 325, 379, 302 and 504 of the Indian Penal Code.

As per allegation in the FIR, it is a case of assaulting



to the informant, his grandfather , father and uncle by the accused person including the petitioners. Petitioner no. 1 snatched away a gold pendent from the neck of the informant. Petitioner no. 2 has assaulted to the father of the informant. Manoj Kumar and Akhilesh Kumar assaulted the grandfather of the informant with iron rod on his head resulting into his death

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. General and omnibus allegations have been levelled against the petitioners. Main allegation of assaulting to grandfather is not against the petitioners. From perusal of the case diary, it it reveals father of the informant has received two injuries out of which one is simple in nature and another is of fracture hand, which is a non-vital part. The matter relates to land dispute.

Pursuant to the order dated 17.9.2021, petitioner has filed a supplementary affidavit stating therein that no process either under section 82 or section 83 of the Cr.P.C. has been issued against the petitioner till now. It is further submitted by learned counsel for the petitioner that the learned court below has issued a non-bailable warrant on the application filed by the investigating officer on 11.12.2018. Thus, this application for



grant of anticipatory bail is maintainable before this Court.

In view of the supplementary affidavit filed on behalf of the petitioner, learned counsel for the State conceded that the anticipatory bail application will be maintainable before this Court.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Salimpur P.S. Case no. 283 of 2018 bearing G.R. No. 1747 of 2018, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Barh subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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