

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40964 of 2020

Arising Out of PS. Case No.-397 Year-2020 Thana- AMARPUR District- Banka

1. Shravan Kumar, Son Of Umesh Mehta Resident Of Village - Karipahari,
P.S.- Fullidumar, Distt.- Banka.
2. Ankesh Kumar, Son Of Umesh Mehta Resident Of Village - Karipahari,
P.S.- Fullidumar, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra- Advocate

For the Opposite Party/s : Mr. Ravindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-10-2021 Heard the learned Advocate for the petitioners and
the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Amarpur (Fullidumar) P. S. Case No.397 of 2020, instituted for the offences under Sections 341, 323, 307, 354, 504/ 34 of the Indian Penal Code and Section 3/4 of the Explosive Substances Act.

The learned counsel for the petitioners, at the outset, submits that the petitioners are persons with clean antecedents.

From bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant Sarjit Kumar



has stated before police on 13.07.2020 that he got information that someone assaulted his father. Then he came to his house and found that his father and mother were injured lying on a bed. On being asked, his mother and father disclosed that at 7.00 A.M. when they were returning from their *khalian*, on the way at Karipahari, Umesh Mehta, Shravan Kumar (petitioner no.1), Surendra Kumar stopped them, abused and forbade them saying not to use their land as a way. In the meantime, Ankesh Kumar (petitioner no.2) and Tiro Devi also came and started abusing, when they objected to their abuse, they assaulted them by means of lathi, danda and axe leading to injury as a result of which the father of the informant sustained injury and the mother of the informant also got injured. Subsequently thereof, Umesh Mehta also hurled a bomb on the father of the informant by which he got injured.

Learned counsel for the petitioners submits that from bare perusal of Annexure-3 to the supplementary affidavit, it would manifest that as far as allegation of throwing of bomb on the father of the informant is concerned, the same does not corroborate from the injury. It



is further alleged that petitioner no.1 is a Student and is preparing for his competitive examination at Bhagalpur and petitioner no.2 is pursuing his study of intermediate.

Learned counsel for the petitioners also relies on Annexure-2 series to the application for substantiating the pleading made in para-12 of the anticipatory bail application. Learned counsel for the petitioners submitted that informant is a notorious criminal of the locality and is also a convict under Section 302 of the I.P.C. and presently, he is on bail granted by a Bench of this Court.

Learned A.P.P. vehemently opposes the anticipatory bail petition.

Regard being had to the facts afore-stated, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarapur (Fullidumar) P. S. Case No.397 of 2020, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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