

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40841 of 2020

Arising Out of PS. Case No.-64 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

1. Jhulan Ram @ Govind Kumar, aged about 24 years.
2. Bishnu Ram, aged about 18 years.
Both are Sons of Bablu Ram, resident of Mohalla- Rahamganj, Ward No.33,
P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-11-2021 Heard Mr. Shambhu Nath Jha, learned counsel
appearing on behalf of the petitioners and Mr. Mritunjay Kumar
Nirala, learned counsel appearing on behalf of the State.

This is an application for pre-arrest bail of the
petitioners in connection with Laheriasarai P.S. Case No. 64 of
2019 dated 22.02.2019 registered for offence punishable under
Sections 323, 324, 307 and 34 of the Indian Penal Code.

The allegation made in the FIR in brief is that the
informant is sweeper in the clinic of Dr. Rajesh Dwivedi and
that at about 6:00 A.M. in the morning on 04.02.2019, Kishan
Kumar Rai compelled the brother of the informant to take drug.
On 05.02.2019 at about 2:45 P.M. accused persons including
these two petitioners surrounded the informant and abused and
assaulted him with fists and slaps. It has further been alleged



that co-accused Kishan Kumar, assaulted the informant on chest by knife. It has further been alleged that informant was brought to DMCH for his treatment.

Learned counsel appearing on behalf of the petitioners submit that there is direct allegation against Kishan Kumar, who has assaulted the informant and has given a blow of knife on the chest of the informant. He further submits that there is general and omnibus allegation against these two petitioners and points out that one similarly situated co-accused has been released on anticipatory bail by the Court below vide order dated 03.09.2019 passed in ABP No. 427 of 2019 in which prayer for anticipatory bail of these two petitioners have been rejected.

Learned counsel appearing on behalf of the State opposes the prayer for grant of anticipatory bail. He has further pointed out that these petitioners had surrounded the informant and their complicity in the offence is made out.

Having considered the rival contention of the parties, perusal of the FIR, it appears to me that there is general and omnibus allegation against these petitioners and *prima facie* it is apparent from the FIR that these petitioners at best only surrounded the victim and assault with fists and slaps, *prima facie*, it appears that the petitioners have been able to make out a



prima facie case for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the Court below within four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 64 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Purnendu Singh, J.)

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