

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40329 of 2020

Arising Out of PS. Case No.-151 Year-2020 Thana- OBRA District- Aurangabad

1. Sintu Kumar, Male, aged about 20 years, S/O Krishna Singh, R/O Village-Sheetal Bigha, P.S. Obra, District Aurangabad, (BIHAR).
2. Sunil Kumar, Male, aged about 32 years, S/O Kapildev Singh, R/O Village-Sheetal Bigha, P.S. Obra, District Aurangabad, (BIHAR).
3. Manoj Kumar, Male, aged about 45 years, S/O Musafir Singh, R/O Village-Sheetal Bigha, P.S. Obra, District Aurangabad, (BIHAR).
4. Vivek Kumar @ Kail Kumar, Male, aged about 21 years, S/O Vishnudev Singh, R/O Village- Sheetal Bigha, P.S. Obra, District Aurangabad, (BIHAR).
5. Vijay Kumar, Male, aged about 30 years, S/O Vishnudev Singh, R/O Village- Sheetal Bigha, P.S. Obra, District Aurangabad, (BIHAR).

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 02-03-2021 Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner nos. 1, 4 and 5, namely, Sintu Kumar, Vivek Kumar @ Kail Kumar and Vijay Kumar respectively as they have already been taken into judicial custody in connection with Obra P.S. Case No. 151/2020, pending in the court of learned Chief Judicial Magistrate, Aurangabad (Bihar).



Permission is accorded.

The anticipatory bail application filed on behalf of the petitioner nos. 1, 4 and 5, namely, Sintu Kumar, Vivek Kumar @ Kail Kumar and Vijay Kumar respectively is dismissed as withdrawn.

Learned counsel for the petitioner nos. 2 and 3 is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner nos. 2 and 3 and learned A.P.P. for the State.

The petitioner nos. 2 and 3 are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 307, 379 and 504 of the I.P.C.

The prosecution story, in brief, is that on 29.06.2020 at about 9.30 A.M., the informant, Satyendra Kumar Singh, saw that the co-accused Sintu Kumar was filling soil on his land, as such the informant objected him. In the meantime, other accused persons holding *Garasa*, *Khanti*, *Lathi* and *rod* reached the spot. Sunil Kumar (petitioner no. 2) gave *Garasa* blow on the head of the informant's son Navneet Nischal, as a result of which, he sustained severe injury and became unconscious. After that, co-accused Sintu Kumar and Manoj Kumar



(petitioner no. 3) attacked on the informant. He sustained head, leg and hand as well as back injury. On hulla, the father of the informant came there. He too was assaulted by the accused persons and sustained leg, hand and back injury. It is also stated that co-accused Vijay Kumar snatched the chain from Navneet and Manoj Kumar (petitioner no. 3) took away wallet of the informant containing Rs. 665/-.

It has been submitted by learned counsel for the petitioner nos. 2 and 3 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Sunil Kumar (petitioner no. 2) is said to have assaulted the son of the informant who is said to have sustained grievous injury. Manoj Kumar (petitioner no. 3) is said to have assaulted the informant. Nature of injury is said to be simple.

On behalf of the State, it is submitted that the petitioner nos. 2 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner



no. 2. The same is rejected in connection with Obra P.S. Case No. 151/2020, pending in the court of learned Chief Judicial Magistrate, Aurangabad (Bihar).

If the petitioner no. 2 surrenders in the learned court below and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

Further, petitioner no. 3 (Manoj Kumar), in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Obra P.S. Case No. 151/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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