

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3922 of 2021

Arising Out of PS. Case No.-529 Year-2020 Thana- KUDHNI District- Muzaffarpur

1. Akalu Das Son of Late Meghu Das
2. Sonu Kumar, Son of Akalu Das
Both are resident of Village - Madanpur, P. S. - Kudhani (Turki O.P.),
District - Mazaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-08-2021 Heard Mr. Hari Kishore Thakur, 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 Kudhani (Turki O.P.) P.S. Case No.
529 of 2020, dated 18.08.2020, instituted for the offences
under Sections 341, 323, 307 and 504/34 of the Indian
Penal Code.

It is alleged in the F.I.R. that the informant was
brutally assaulted by several persons including the
petitioners. So far as the petitioner No. 1 is concerned, he is



said to have assaulted the informant along with another accused person, leading to injury on his head. There is no specific accusation against petitioner No. 2 who is the son of petitioner No. 1 and is aged only nineteen years.

The prayer for anticipatory bail of another accused person, who is said to have assaulted the informant along with petitioner No. 1, has been rejected today in Cr. Misc. No. 3909 of 2021.

Several grounds have been urged on behalf of the petitioners for grant of bail, viz., a delay of three days in lodging the F.I.R. and the injury not being in consonance with the accusation.

However, regard being had to the fact that the informant had to remain in hospital for about four days and had to be treated intensively, I am not inclined grant anticipatory bail to petitioner No. 1 against whom there is specific accusation of assault.

The prayer for grant of anticipatory bail of petitioner No. 1/Akalu Das is, accordingly, rejected. However, if he surrenders before the Court below and seeks



bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

So far as petitioner No. 2/Sonu Kumar is concerned, since there is nothing specifically alleged against him and he is a person of tender age, he (petitioner No. 2), in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Chief Judicial Magistrate, West, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 529 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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