

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19304 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. Ajay Kumar @ Lakhan Kumar Son Of Singhashan Sahni R/O Village- Sarotar, P.S. - Dumariya Ghat, Dist- East Champaran
 2. Basant Kumar Son Of Mohan Sahni R/O Village- Sarotar, P.S- Dumariya Ghat, Dist- East Champaran
 3. Abhijit Kumar @ Aawjit Kumar @ Amarjeet Sahni @ Amarjeet Sahni Son Of Jagdish Sahni R/O Village- Sarotar, P.S- Dumariya Ghat, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Dumariya Ghat P.S. case No.78 of 2020



registered under Sections 447, 323, 324, 325, 307, 379, 506, 147, 148, 149 of the Indian Penal Code and Section 27 of Arms Act. Later on, Section 302 of I.P.C. has been added.

Prosecution case, in short, is that the accused persons including the petitioners armed with lathi, katta, farsa, knife surrounded the informant and co-accused Birpan Sahani and petitioner No.1 assaulted with iron rod which caused his leg and hand fractured and petitioner Nos.1 and 2 assaulted the informant with farsa, due to which he sustained injury on his head. Petitioner No.3 assaulted the brother of the informant, namely, Prakash Sahani on head with farsa. The injured were taken to the Hospital for treatment. In course of treatment, the informant died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The case has been instituted after two days of the alleged occurrence. Delay has not been explained by the prosecution. As far as petitioner No.3 is concerned, there is no allegation of assault alleged against him causing any injury to the deceased. The allegation of assault upon the deceased is



alleged against the petitioner Nos.1 and 2.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R. There is specific allegation of assault upon the deceased against the petitioner Nos.1 and 2. The postmortem report also corroborates with the allegations made in the F.I.R. in respect of petitioner Nos.1 and 2.

Considering the facts and circumstances, the petitioner No.3, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., Motihari, District East Champaran in connection with Dumariya Ghat P.S. case No.78 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No.3 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

So far the petitioner Nos.1 and 2 are concerned, I am not inclined to grant anticipatory bail to them. The same is



rejected.

If the petitioner Nos.1 and 2 surrender before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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