

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12558 of 2022

Arising Out of PS. Case No.-64 Year-2020 Thana- KHUTAUNA District- Madhubani

1. DURGANAND KUMAR @ DURGA NAND BHADAIWAR Son of Soli Bhadaiswar Resident of Village - Siswar, P.s.- Khautauna, Distt.- Madhubani.
2. Bihari Goit Son of Kapileshwar Goit Resident of Village - Siswar, P.s.- Khautauna, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 341,
323, 307, 353, 504 and 34 of the Indian Penal Code.

The informant alleges that on 27.05.2020 he along
with his team went to raid in connection with Khutauna P.S.
Case No. 63 of 2020 and apprehended the main accused
Chandan Kumar Yadav and arrested him, it is next alleged
thereafter 8 named accused including petitioners and 20-25
unidentified accused persons came and attacked the police team



with lathi, sticks and pelted stones and also abused and assaulted them, it is further alleged that petitioner no. 2 assaulted Constable Surya Kumar Singh with brick on his head injuring him, Dev Kumar assaulted with brick causing cut injury on his right ear and injured him and Chandan Kumar was forcibly released from arrest.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that the petitioners came to be implicated at the instance of the local chowkidar with whom they are on an inimical term, it is also submitted that as far as petitioner no. 1 is concerned, allegation against him is general and omnibus in nature. Learned counsel submits that as far as petitioner no. 2 is concerned, it is alleged that he assaulted Constable Surya Kumar Singh with brick causing injury on his head but the injury is simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against petitioner no. 2 of assaulting the Constable causing injury on his head and at the same time the accused persons got Chandan Kumar Yadav released from police custody, but learned A.P.P. is not able to meet the



submission of the learned counsel for the petitioners that there is no specific allegation alleged against the petitioner no. 1.

Considering the submissions made by the learned counsel for the petitioners, the petitioner no. 1, namely, Durganand Kumar, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khutauna P.S. Case No. 64 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as prayer for anticipatory bail of petitioner no. 2 is concerned, the Court is not inclined to extend the privilege of anticipatory bail to him. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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