

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19314 of 2022

Arising Out of PS. Case No.-492 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. KUNDAN KUMAR @ HIMANSU KUMAR Son of Avadhesh Mandal Resident of Village - Nayatoal , Olpura, P.S.- Kahalgaon, Distt.- Bhagalpur.
2. Praduman Kumar Son of Avdhesh Mandal Resident of Village - Nayatoal , Olpura, P.S.- Kahalgaon, Distt.- Bhagalpur.
3. Nakul Mandal Son of Gurudayal Mandal Resident of Village - Naya Toal , Olpura, Ward No.11 P.S.- Kahalgaon, Distt.- Bhagalpur.
4. Binod Kumar Mandal @ Binod Mandal Son of Mahesh Prasad mandal Resident of Village - Naya Toal , Olpura, P.S.- Kahalgaon, Distt.- Bhagalpur.
5. Pushkar Kumar Son of Bhola Mandal Resident of Village - Naya Toal , Olpura, P.S.- Kahalgaon, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 341, 323, 379, 447, 448, 504, 506/354(B) of the Indian Penal Code.



Allegedly, all the FIR named accused persons including the petitioners armed variously entered into the house of informant and committed robbery and took away valuable gold and silver ornaments and cash. It is alleged when the informant's wife tried to stop them, they assaulted her by lathi and danda in order to kill her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the injuries sustained by the informant's wife is simple in nature, which is evident from Annexure-2 to this application. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioners. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is no specific overt act levelled upon the petitioners named above, let them be released on bail, in the event of their arrest or surrender before



the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each 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 Kahalgaon (Ghogha) P.S. Case No.492 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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