

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20525 of 2022

Arising Out of PS. Case No.-486 Year-2020 Thana- TEKARI District- Gaya

1. Kundan Kumar S/o Kauleshwar Prasad Singh Resident of Village-Chitokhar, P.S.- Tekari, District- Gaya.
2. Sundan Kumar S/o Kauleshwar Prasad Singh Resident of Village-Chitokhar, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in Tekari P.S.
Case No. 486 of 2020, registered for the offences punishable
under Section 307 and other allied sections of the Indian Penal
Code.

Prosecution case in brief is that on 27.09.2020 at
about 7.00 am while the informant was returning from petrol
pump, all the FIR named accused persons including petitioners
intercepted him and Sundan Kumar petitioner no. 2 assaulted
him by *lathi* on his right hand, as a result of which he fell down.
Thereafter, all the accused persons assaulted him. It is further
alleged that petitioners tried to strangle the informant.

It is submitted that there is case and counter case.



Both parties are own brothers. Present case has been lodged in retaliation of Tekari PS Case No. 415 of 2020 by the petitioner's side.

However, counsel for State opposed the prayer for bail and submitted that there is specific allegation against petitioner no. 2 of assault by lathi, as a result of which informant sustained grievous injury.

Considering the facts aforesaid and nature of injury, I am not inclined to enlarge Sundan Kumar petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Kundan Kumar petitioner no. 1 is concerned, there is general and omnibus allegation, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Gaya in connection with Tekari P.S. Case No. 486 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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