

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31048 of 2021

Arising Out of PS. Case No.-189 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. Manjay Kumar Son of Rajendra Sah Resident of Village- Sadpura, P.S.- Kazi Mohammadpur, District- Muzaffarpur.
 2. Vijay Kumar Son of Rajendra Sah Resident of Village- Sadpura, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 341, 323,
324, 307, 379, 504, 506/34 of the Indian Penal Code.

According to prosecution case, on the basis of
Fardbeyan of the informant Ashok Kumar who has divulged the
fact of the occurrence in the F.I.R. stating therein that on
01.05.2019 Majay Kumar, Prince Kumar, Bijay Kumar, Satya
Narayan Sah and Ajay Kumar attempted to snatch money from



his nephew Shivam Kumar and for that manhandling took place in between them and they took his nephew to the house of Satya Narayan Sah where he and others reached but the said persons attacked on him with various arms to kill him. Prince Kumar gave iron-rod blow on his head resulting into head injury and thereafter Manjay Kumar assaulted his son Amit with iron-rod whereby he sustained head injury and Shivam Kumar was also assaulted by them and Satya Narayan Sah gave a lathi blow on the back side of Ajit Kumar who became unconscious and on hulla, several persons assembled there. It is further alleged that Manjay and Ajay snatched Rs.9500/- from Shivam Kumar and Rs.50,000/- from the pocket of Amit and a gold chain of Ajit was also snatched by them and they fled away.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that the specific allegation of assault by Manjay Kumar (petitioner no.1) on the head of son of the informant namely, Amit Kumar with Iron rod but the injury report suggest that the nature of injury is simple and with regard to petitioner no.2 there is no specific allegation against petitioner no.2 and there is general and omnibus allegation



against petitioner no.2.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kazi Mohammadpur P.S. Case No. 189 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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