

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26487 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- KAUWAKOL District- Nawada

1. Shashi Ranjan Kumar Son of Kishori Saw Resident of Village - Jogachak, P.S. Kauwakol, District - Nawada.
2. Raj Kumar @ Raja Kumar son of Shivu Saw Resident of Village - Jogachak, P.S. Kauwakol, District - Nawada. At present House No. B-1071 near Balaji School, Adarsh Nagar, Ballabgharh, Faridabad, State Hariyana.
3. Ajit Kumar Son of Kishori Saw Resident of Village - Jogachak, P.S. Kauwakol, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Ranjan, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

After some arguments, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 3, namely, Ajit Kumar.

Permission is accorded.

The anticipatory bail petition of petitioner no. 3 is



dismissed as withdrawn.

The petitioners (except petitioner no. 3) are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 308, 379, 504, 325, 506/34 of the Indian Penal Code.

As per prosecution case, in brief, is that on 08.07.2021 a little water was fallen in the shop of informant and flow in the direction of shop of Kishori Saw, who is his gotiya and due to which a hot discussion started between Santosh Kumar and son of informant namely Ajay Saw. On hulla, the informant went to his shop and settled the matter. After some time the accused came into his shop with lathi, danda and iron rod in their hands and after arrival Kishori Saw started abusing and directed to kill. Thereafter Ajit Kumar hit on the head of Ajay Saw with iron rod due to which his head was fractured and he fell on the ground. The informant rushed to rescue his son, all accused persons beaten and hand has been fractured. Accused Raja Kumar snatched Rs. 5000/- from the cash box of informant's shop and Shashi Ranjan Kumar snatched the gold chain from Ajay Saw. Thereafter, they went Sadar Hospital, Nawada for treatment.

Learned counsel for the petitioners (except petitioner



no. 3) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present case is counter blast of Kauwakol P.S. Case No. 248 of 2021 filed by the family members of the petitioners against the family members of the informant and others. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and there is specific allegation of assault against co-accused namely Ajit Kumar who assaulted the son of the informant and he sustained grievous injury.

Learned APP for the State has opposed the prayer for bail of the petitioners (except petitioner no. 3).

Considering the facts and circumstances of the case, let the petitioners (except petitioner no. 3), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kauwakol P.S. Case No. 249 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other



following conditions :-

(1) Petitioners (except petitioner no. 3) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 3) tamper with the evidence or the witness, 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 (except petitioner no. 3) and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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