

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38320 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- DHANARUA District- Patna

1. YOGENDRA KUMAR @ YOGENDRA CHANDRAVANSI Son of Uccan Ram Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
2. Naulesh Kumar Son of Pramod Mistri Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
3. Ranjan Kumar Son of Suresh Ram Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
4. Amit Kumar Son of Surendra Ram Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
5. Banti Kumar Son of Akhilesh Ram Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
6. Ajit Kumar Son of Sunil Ram Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
7. Binay Chaudhary Son of Etwar Chaudhary Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
8. Ranjan Paswan Son of Ramjee Paswan Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022

Heard learned counsel for the petitioners and learned

APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners are apprehending their arrest in connection



with Dhanarua P.S. Case No. 109 of 2020 registered under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

As per prosecution case, 11 persons, including the petitioners who were variously armed, have indiscriminately assaulted the informant thereafter he was admitted to the hospital for treatment.

Learned counsel for the petitioners submits that allegations are general and omnibus and there is no specific assault attributed to the petitioners. Though it is alleged that some of the accused persons were also having fire-arm injury, there is no allegation of any fire-arm injury being caused to the informant. The counsel further submits that from the injury report (Annexure 3), it is obvious that the informant has sustained simple injury. Further submission is that Petitioners have clean antecedents and two other similarly situated co-accused, namely, Golu Kumar and Suraj Ram have been allowed anticipatory bail in Cr. Misc. No. 34688/2020.

Learned APP has opposed the prayer for bail.

This Court, after hearing the parties and on taking note of the opinion of the injury report (Annexure 3) of the informant having sustained simple injury as also the fact that



specific allegation of any assault has not been levelled against the petitioners and their clean antecedent, is inclined to allow the prayer.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M, Masaurhi, Patna in Dhanarua P.S. Case No. 109 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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