

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40314 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- BIHTA District- Patna

Chandan Kumar, S/O Meghnath Ray, R/o village- Anandpur, P.S.- Bihta,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajesh Kumar learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 282 of 2020 for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on account of some dispute all the accused persons including this petitioner abused and assaulted Rakesh Kumar, Mukesh Kumar, Ram Babu Rai, Vineshwar Rai and Guddu Rai by means of Lathi and Danda and it is also alleged that co-accused persons snatched valuables.



At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is counter versions to the present occurrence being Bihta P.S. Case No. 283 of 2020 instituted by one of the co-accused. Further, the allegation against the petitioner is general and omnibus in nature and so far the injury, which is said to have been caused over the body of Rakesh Kumar and Mukesh Kumar, have been found to be simple in nature and in support of his submission, the petitioner has brought the injury reports as Annexure- P/2 to the application. It is next submitted that the accused persons and the informant are neighbours and some of them are Gotias of the families and this petitioner has no criminal antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against this petitioner that he assaulted the husband of the informant causing injury.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there are general and omnibus allegation against this petitioner along with



other co-accused persons and the injuries have been found to be simple in nature, apart from the fact that the petitioner has clean antecedent, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Danapur in connection with Bihta P.S. Case No. 282 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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