

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43848 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- AGIAON District- Bhojpur

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1. Yogendra Prasad Son of Ram Dev Singh Resident of Village - Bangwan, P.S.- Agaion (G), Distt.- Bhojpur.
 2. Bimlesh Kumar Son of Raj Kumar Singh Resident of Village - Bangwan, P.S.- Agaion (G), Distt.- Bhojpur.
 3. Vikky Kumar Son of Ramesh Singh Resident of Village - Bangwan, P.S.- Agaion (G), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-06-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Dinesh Singh, learned Additional Public Prosecutor for the State.

At the very outset, learned counsel for the petitioners submits that during the pendency of the present application, petitioner no. 1 has been arrested and as such, the application with regard to the petitioner no. 1 has become infructuous.



The petitioners apprehend their arrest in connection with Agaion (G) P. S. Case No. 153 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 14.11.2020 when the son of the brother of the informant had gone to see the immersion of idol at pond, one co-accused, Deepak Kumar Singh started abusing, when the same was protested, Deepak Kumar Singh has assaulted the son of the brother of the informant by means of *Dab* due to which he sustained head injury. It is also alleged that other F.I.R. named accused persons also assaulted him.

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

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against all the F.I.R. named accused persons except Deepak Kumar Singh, against whom there is specific allegation that he assaulted the son of the brother of the informant by means of *Dab*. It is further alleged that the injury, which is said to have sustained to



the injured has been found to be simple in nature and in support of his contention, the injury report has been brought on record by way of annexure 2 to this application. It is lastly submitted that the petitioners have fair antecedent and they are ready to give undertaking that they will co-operate in the investigation and will not indulge in any such occurrence in future.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the petitioners have actively participated in the crime and there is omnibus allegation that they have also assaulted the informant.

Having considered the submissions made on behalf of the parties and taking into account that there is general and omnibus nature of allegation against these petitioners, apart from the fact that the injuries have been found to be simple in nature and the petitioners having clean antecedent, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Bhojpur at Ara/ its successor court in



connection with Agaion (G) P. S. Case No. 153 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They 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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