

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49324 of 2021**

Arising Out of PS. Case No.-813 Year-2020 Thana- SONEPUR District- Saran

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1. Sukhu Singh Son of Bhola Singh Resident of Village Sabalpur, Bengali Tola, P.S. - Sonapur, District - Chapra.
 2. Mithun Kumar Son of Upendra Singh Resident of Village Sabalpur, Bengali Tola, P.S. - Sonapur, District - Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate.

For the Opposite Party/s : Dr. Ajeet Kumar, APP.

For the Informant : Mr. Vijay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 19-07-2022 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. Kalyan Shankar, learned counsel for the petitioners, Mr. Vijay Kumar, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner no. 2, above named, who has been made accused and put behind the



bar in connection with Sonapur P. S. Case No. 813 of 2020 registered for the offences punishable under Sections 147, 148, 448, 504, 506, 323, 324, 325, 307 and 379 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has been added.

As per the prosecution case, it is alleged that on 30.10.2020, when the informant made protest against the accused persons for preparing and selling of liquor in the village, whereupon, all the accused persons variously armed with weapons came at his door and started abusing. It is alleged that all the accused persons brutally assaulted the nephew of the informant. It is further alleged that this petitioner and one co-accused caught hold to Mintu Kumar and assaulted him with *lathi* and other co-accused persons also snatched the valuables.

Learned counsel appearing on behalf of the petitioner submitted that in fact, on account of some trifling issue a free fight has taken place in which the petitioners and their persons have also received injuries, however the prosecution has failed to explain the injuries sustained on the petitioners and their persons. It is next submitted that this case is nothing but a counter blast of Sonapur P. S. Case No. 788 of 2020 registered by one of the co-accused Upendra Singh @



Birendra Singh and subsequent to lodging of said F.I.R., the present case has been registered. It is next submitted that in fact, the petitioner no. 2 himself sustained injuries on account of assault made by the persons of the informant's side. In support of his submission, the injury report of the petitioner no. 2 has been brought on record by way of annexure 3. It is also submitted that other co-accused persons, who have also assaulted the other persons, have already been granted anticipatory bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 35821 of 2021 vide order dated 29.03.2022 and one another co-accused person, namely, Deonath Singh has also been granted bail by a Bench of this Hon'ble Court in Cr. Misc. 37199 of 2021 vide order dated 17.09.2021. The copies of which have been placed before this court and the same have been kept on record. It is also submitted that the petitioner no. 1 has already been granted bail by this Hon'ble Court on 18.04.2022, however this petitioner no. 2 is in custody since 16.03.2021, having fair antecedent.

On the other hand, learned counsel for the informant opposes the bail application and submits that there is specific allegation against the petitioner no. 2 that he caught hold of one Mintu Kumar and thereafter, brutally assaulted him.



Learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is general and omnibus nature of allegation, apart from that other co-accused persons having more or less similar allegation have been granted anticipatory/regular bail by learned co-ordinate Bench of this Hon'ble Court and moreover, the petitioner no.2 in custody since 16.03.2021, having fair antecedent, let the petitioner no. 2 be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P. S. Case No. 813 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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