

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39831 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- FESHAR District- Aurangabad

ANKIT KUMAR S/o Mantu Baitha @ Mantosh Rajak Resident of Village -
Mahatha, P.S.- Fesar, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Senior Advocate

For the Opposite Party/s : Mr.Lalan Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with Fesar
P.S. Case No. 58 of 2022 under Sections 148,341, 323, 325,
307, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution story, on 28.04.2022,
informant was at his door, in the meantime, villager Mantu
Baitha came driving tractor loaded with bricks and dashed in his
house due to which wall was demolished. Thereafter, he became
very angry and he along with Ankit Kumar, Yamraj Kumar and
Shyama Baitha abused and assaulted him with iron rod and



‘*khanti*’ on his head. The informant sustained head injury leading to profuse bleeding. Meanwhile, his brother and father came to save him then accused Yamraj Kumar assaulted them with iron rod and causing head injuries. The informant was treated at Sadar Hospital, Aurangabad and later on referred to AIIMS, Patna for better treatment. Accordingly, FIR was lodged.

Learned Senior counsel submits that although there is allegation of hitting with iron rod and ‘*khanti*’ on the informant’s side causing injuries to number of persons and the injury of one of the injured was found to be grievous in nature, the fact remains that the allegation is omnibus in nature and it cannot be pin pointed as to whose assault whom which led to be grievous injury.

Learned APP for the State, on the other hand, submits that considering the allegation that is there is in the FIR as also the fact that one of the injured person has been opined to be having grievous injury, the petitioner does not deserve bail.

Be that as it may, there is omnibus allegation of assault, the petitioner is in custody since 02.05.2022(as stated in paragraph-11 of the bail application), charge sheet stands submitted, this Court is inclined to grant him privilege of bail



after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Fesar P.S. Case No. 58 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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