

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41513 of 2022

Arising Out of PS. Case No.-669 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

1. Jai Shankar S/o Late Ashok Kumar Singh R/o village- Brahmpur, P.S.- Ram Krishna Nagar, District- Patna, At present Anand Path, Mohalla- Mahatma Gandhi Nagar, Kanti Factory Road, P.S.- Patrakar Nagar, District- Patna
2. Abhinav Kumar @ Abhivan Kumar @ Abhinay Kumar S/o not given R/o village- Brahmpur, P.S.- Ram Krishna Nagar, District- Patna, At present Anand Path, Mohalla- Mahatma Gandhi Nagar, Kanti Factory Road, P.S.- Patrakar Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code.

According to the prosecution story, that informant gave fardbeyan before S.I. Bhola Yadav of T.O.P., N.M.C.H. Patna on 26.12.2021 at 11 a.m. in N.M.C.H. emergency to the effect that his elder brother getting him out of the way some how. It has further been alleged that his brother took loan over



his property. It has also been alleged that on 25.12.2021 at around 5:30 P.M. when the informant went to his house at Bramhpur, P.S. Ram Nagar then his brother started abusing the informant and thereafter the brother of the informant took an iron rod from his vehicle and also gave one iron rod to his son Abhinav and told to kill the informant, upon which accused Jai Shankar, Abhinav, Akriti, Sunita and Om Prakash girdled the informant and Sunita, Akriti and Om Prakash caught him and the accused Jai Shankar and Abhinav hit on the head of the informant with iron rod with intention to kill the informant due to which the blood oozing out from the head of the informant and the local people saved the life of the informant.

Learned counsel for the petitioners submits that the petitioners have been falsely been implicated in the present case. He further submits that the petitioner No. 1 happens to be own brother of the informant and petitioner No. 2 is the nephew of the informant. He further submits that there is admitted land dispute between the parties on account of that scuffle took place between them in which both sides have sustained injuries. He further submits that the petitioner No. 1 has also filed a complaint case against the informant side which is still pending, which shows that parties are having inimical terms for the



property dispute. He further submits that though there is direct allegation of assault against the petitioners but the injuries sustained by the informant are simple in nature, therefore no case under Section 307 of the IPC is made out against the petitioners. He further submits that co-accused namely Sunita Devi, Akriti Kumari and Om Prakash have already been granted privilege of anticipatory bail by the Court below itself vide order dated 12.04.2022 passed in A.B.P. No. 418 of 2022.

The learned counsel for the informant and learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners, and submit that there is direct allegation of assault against the petitioners. He further submits that the petitioner No. 1 is having three cases other than the present one whereas the petitioner No. 2 is having one case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ram Krishna Nagar P.S. Case No. 669 of 2021, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C. and also the following conditions:

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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