

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45284 of 2022

Arising Out of PS. Case No.-28 Year-2020 Thana- SAMASTIPUR District- Samastipur

Saroj Kumar @ Suraj Kumar S/O Vijay Kumar Das Resident of village-
Pethia Gachhi, Ward no- 23, P.S.- Samastipur (Town), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45930 of 2022

Arising Out of PS. Case No.-28 Year-2020 Thana- SAMASTIPUR District- Samastipur

Sanjay Kumar S/o Sunil Ray @ Surendra Ray R/v- Pethia Gachhi, P.S.-
Samastipur (Town), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45284 of 2022)

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

(In CRIMINAL MISCELLANEOUS No. 45930 of 2022)

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 Both the criminal miscellaneous petitions have arisen

out of the same police station case number, hence they are being

heard together and disposed of by a common order.

The learned counsel for the petitioners are directed to

remove all the defects pointed out by the Stamp Reporter within

one month.



Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Samastipur (Town) P.S. Case No. 28 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 and 302 of the Indian Penal Code.

As per the prosecution, the informant's son was assaulted by these petitioners along with other co-accused persons and one co-accused Amar Kumar assaulted the informant's son by means of Dagger.

The main submissions advanced by learned counsel Mr. Ajay Kumar appearing for the petitioners are that against both the petitioners there is no specific allegation and they were simply alleged to have committed *Mar-Pit* with the son of the informant and an altercation having taken place in between two groups was said to be the genesis of the occurrence and the main allegation of inflicting Knife injury to informant's son is against co-accused Amar Kumar @ Anma and both the petitioners have fair and clean antecedent and one similarly situated co-accused person Raushan Kumar @ Roshan Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.36136 of 2020.



Learned APP Mr. Chandra Bhushan Prasad appearing for the State in both the petitions have opposed the bail prayer.

Having regard to the nature of allegation appearing against the petitioners from the FIR and considering the above submissions and mainly the facts that both the petitioners were simply alleged to have committed *Mar-Pit* with the informant's son and the main allegation of inflicting Knife injury to the son of the informant is against the co-accused and one similarly situated co-accused person has been granted anticipatory bail by a co-ordinate Bench of this Court, in the opinion of this Court both the petitioners, who have fair and clean antecedent are entitled to a lenient approach of this Court. Accordingly, let the petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Samastipur (Town) P.S. Case No. 28 of 2020.

(Shailendra Singh, J)

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