

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48143 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- MALAYPUR District- Jamui

1. KUNDAN KUMAR Son of Jagdeo Das Resident of Village - Devachak, P.S.- Malaypur, District - Jamui.
2. Ajay Kumar Son of Jagdeo Das Resident of Village - Devachak, P.S.- Malaypur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioners 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 apprehend their arrest in a case
registered for the offences punishable under Section 147, 148,
149, 307, 324, 379 of the IPC.

According to prosecution case, in brief, is that on
10.06.2022, the informant had gone to the house of his sister to
attend an invitation and on the request of Tinku Kumar, he
stayed there, and at about 9 P.M all the accused persons
including the petitioners surrounded him and Pramod Das and



Manoj Das armed with sword, Rakesh Kumar and Kundan Kumar armed with iron rod, Tinku Kumar, Subodh Das, Niraj Kumar, Rajiv Kumar, Ajay Kumar, Kundan Kumar and Rajesh Das were armed with lathi and they all started assaulting the informant and when Bhagirath Ravidas tried to save the informant, then he was also assaulted by the accused persons. It has been further alleged that a blow of sword was inflicted but informant stopped that blow by his hand and due to which he received injury in his left hand. It has been further alleged that Bhagirath Ravidas received injury over his head and ear. The informant has further alleged that cash amount of Rs. 20,000/- was also taken away by Tinku Kumar and Promod Das person of informant.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners and there is specific allegation of assault against the co-accused persons namely, Promod Das, Rakesh Kumar, Manoj Das and Kundan Kumar. He further submits that there is no specific allegation of any assault or overt-act against the petitioners. He



further submits that all the injuries sustained by the informant and Bhagirath Ravidas are simple in nature. He further submits that the petitioners are member of mob and no specific allegation against the petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

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 of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Malayapur P.S. Case No. 60 of 2022, 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 his absence on two consecutive dates without sufficient reason, their bail bond 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 antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond 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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