

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 58082 of 2021

Arising Out of PS. Case No.-643 Year-2020 Thana- DIGHA District- Patna

1. CHARLI KUMAR @ AKASH KUMAR S/o RAJ NATH RAI R/o MOHALLA-BANSH KOTHI, DIGHA, I.T.I. HOSTEL, GATE No. 93, P.S-DIGHA, DISTRICT-PATNA.
2. RAJ NATH RAI S/o LATE VGRAH NARAYAN R/o MOHALLA-BANSH KOTHI, DIGHA, I.T.I. HOSTEL, GATE No. 93, P.S-DIGHA, DISTRICT-PATNA.
3. SHAMBHU RAI S/o LATE ABHRAN RAI R/o MOHALLA-BANSH KOTHI, DIGHA, I.T.I. HOSTEL, GATE No. 93, P.S-DIGHA, DISTRICT-PATNA.
4. SANNNI KUMAR S/o SHAMBHU RAI R/o MOHALLA-BANSH KOTHI, DIGHA, I.T.I. HOSTEL, GATE No. 93, P.S-DIGHA, DISTRICT-PATNA.
5. TINKU KUMAR S/o SHAMBHU RAI R/o MOHALLA-BANSH KOTHI, DIGHA, I.T.I. HOSTEL, GATE No. 93, P.S-DIGHA, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr Bharat Lal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-06-2022 At the very outset, petitioners' counsel submits that petitioner No 1 Charli Kumar @ Akash Kumar and petitioner No 2 Raj Nath Rai have already been arrested during pendency of the instant anticipatory bail application.

Prayer for anticipatory bail in respect of petitioner No 1 Charli Kumar @ Akash Kumar and petitioner No 2 Raj Nath Rai has, therefore, become infructuous and is, accordingly, dismissed.



Matter is being considered for grant of anticipatory bail to the other petitioners.

Heard learned counsel for petitioners No 3 to 5 and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

Petitioner No 3 Shambhu Rai, petitioner No 4 Sanni Kumar and petitioner No 5 Tinku Kumar apprehend arrest in Digha Police Station (for brevity, *PS*) Case No 643 of 2020 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of Indian Penal Code.

Allegation is that co-accused Kundan Kumar has indiscriminately assaulted Vikram Kumar and there is also specific allegation against Charli Kumar @ Akash Kumar (petitioner No 1 of the instant case) and co-accused Raj Nath Rai (petitioner No 2 of the instant case).

Petitioners No 3 to 5's counsel points out from the First Information Report (for brevity, *FIR*) that no specific assault has been alleged against these petitioners. Petitioners No 4 and 5 are sons of petitioner No 3 and their implication is based on omnibus allegation arising out of extraneous considerations. They are having no criminal antecedent and are apprehending their arrest wherein they have been implicated



only because they happen to be family members of the perpetrators of assault, specifically attributed in the FIR against other persons.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioners No 3 to 5's counsel. Prayer for bail is allowed. Let petitioner No 3 Shambhu Rai, petitioner No 4 Sanni Kumar and petitioner No 5 Tinku Kumar, above named, in the event of their arrest or surrender within four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Patna in Digha PS Case No 643 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners No 3 to 5 who will give an affidavit giving genealogy as to how he is related with petitioners No 3 to 5. The bailor will also undertake to inform the Court if there is any change in the address of petitioners No 3 to 5.



(ii) That petitioners No 3 to 5 will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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