

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63892 of 2021**

Arising Out of PS. Case No.-12 Year-2020 Thana- HALSI District- Lakhisarai

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1. KAJU KUMAR @ ABHISHEK KUMAR Son of Bhuneshwar Singh
 2. Ram Sarup Singh Son of Late Anandi Singh
Both are Resident of Village - Mohiyan, Police Station - Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 24-01-2022 The case has been taken up out of turn hearing on the mentioning slip of the learned counsel for the petitioners.

Heard Shri Sanju Singh, learned counsel for the petitioners and Shri Raj Ballabh Singh, learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with Halsi P.S. Case No. 12 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has filed a supplementary affidavit stating that age of petitioner no. 2 is 68



years and inadvertently in the petition it has been typed as 48 years and further that wife of petitioner no. 2 is suffering from cancer in support of which the report of Mahavir Cancer Sansthan is annexed.

The informant in the FIR alleges that the petitioners along with accused persons assaulted the informant on his head on order of Bhuneshwar Singh along with Bhuneshwar Singh causing injury to the informant on his head and one Manish Kumar snatched gold chain from the neck of the informant.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated. There is a counter case instituted by petitioner no. 2 being Halsi P.S. Case No. 13 of 2020. There is land dispute between the parties.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody since 05.09.2021, are persons with clean antecedent and charge-sheet has been submitted in this case, let the petitioners above named be released on provisional bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Lakhisarai in connection with Halsi P.S. Case



No. 12 of 2020.

The learned Court below after release of the petitioners will get a report from the concerned police station as to whether the wife of petitioner no. 2 is suffering from cancer or not. In the event, if it is reported that the petitioners by making a false plea has obtained provisional bail, the learned court below shall forthwith cancel the provisional bail of the petitioners and in the event if it is reported that the wife of the petitioner no. 2 is suffering from cancer, the provisional bail of the petitioners shall be confirmed.

(Satyavrat Verma, J)

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