

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56670 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- KARPI District- Jehanabad

1. Laxuman Kumar @ Laxman Kumar S/O Ram Binay Singh R/O Village- Pathak Chak, P.S- Karpi, District- Arwal
2. Bimal Kumar S/O Ram Binay Singh R/O Village- Pathak Chak, P.S- Karpi, District- Arwal
3. Birbal Kumar @ Birbel Singh S/O Late Gaya Singh R/O Village- Pathak Chak, P.S- Karpi, District- Arwal
4. Navin Yadav S/O Mantu Yadav R/O Village- Sihari, P.S- Daudnagar, District- Aurangabad,(Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 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 341, 323, 324, 307, 354, 379, 504, 426, 506/34 of I.P.C.

According to prosecution case, in brief, is that on 19.03.2022 at about 20:00 P.M., the petitioners besides co-accused persons are said to have assaulted the informant and his



son Manish Kumar who was also assaulted by means of farsa on his head and other places of his body, by the accused persons. It is also alleged that the petitioners Virbal Kumar, Bimal Kumar and Laxman Kumar besides co-accused Mantu Kumar have assaulted by means of deadly weapon with intent to kill the son of the informant who sustained head injuries. It is further alleged that when the informant side started to flee away, then co-accused Gholat Yadav and Harendra Yadav assaulted by means of lathi with intent to kill and other accused persons also assaulted the informant and his persons by means of cricket bat, lathi, danda etc. and they also tore the identity card of Aman Kumar who is in military service and when the female inmate of the house came outside then co-accused persons misbehaved to them with bad intention. The reason behind the occurrence is stated to be previous enmity.

Learned counsel for the petitioners submits that petitioner nos. 1, 2 and 4 have clean antecedent and petitioner no.3 has one criminal antecedent. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that in



course of scuffle both the parties have received injuries. He further submits that there is general and omnibus allegation against all the accused the persons including the petitioners and there is a specific allegation of assault against the co-accused namely, Dhrmendar Yadav.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.3 carries one criminal antecedent other than the present one.

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 Karpi P.S. Case No. 54 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 their 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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