

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2931 of 2023

Arising Out of PS. Case No.-444 Year-2021 Thana- MANER District- Patna

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1. Bittu Kumar Son Of Late Diwali Rai Resident Of Village - Bhudhar Tola, Police Station - Maner, District - Patna.
 2. Vishal Kumar Son Of Late Manohar Rai Resident Of Village - Bhudhar Tola, Police Station - Maner, District - Patna.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Chunnu Kumar, son of Fuldeo Rai, R/o vill.-Bhudhar Tola, P. S.-Maner, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 26-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. No one appears on behalf of the informant.

3. It appears that the learned counsel for the informant has lost interest in the case, as such, is not appearing in the case. The case was listed on 21.06.2023 and thereafter, again on 28.06.2023, but the learned counsel for the informant for the reason best known chose not to appear.

4. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 307, 323, 325, 341, 354, 379, 427, 504 and 149 of the Indian Penal Code.



5. The learned counsel for the petitioners submits that earlier by order dated 01.11.2022 in Cr. Misc. No.20745 of 2022, the anticipatory bail application of the petitioners was withdrawn. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that these petitioners is alleged to have assaulted the informant on his head by an iron rod causing injury. It is next submitted that from perusal of the allegation, it would manifest that the blow was not repeated and the injury has been found to be simple, no doubt, it is on the vital part of the body.

6. It is also submitted that when on the last occasion when the matter was being heard, the Court was inclined to grant anticipatory bail, but a submission was made by the learned counsel appearing for the informant that the petitioners have concealed their criminal antecedent on account of which, the learned counsel for the petitioners without realizing merely on the statement made by the learned counsel for the informant, who was appearing at that time sought a permission to withdraw the anticipatory bail application.

7. It is next submitted that when earlier anticipatory bail application was filed at that point of time, the petitioner no.1 was having only one antecedent though in the bail



application, it was inadvertently recorded that petitioner no.1 is a person with clean antecedent, but it was submitted on behalf of the learned counsel for the informant, who appeared at that point of time that petitioner no.1 has several antecedents, likewise with respect to petitioner no.2 also, it was submitted that he has antecedent of cases when it was an admitted fact that at the relevant point of time when the anticipatory bail application was filed, the petitioner no.2 was a person with clean antecedent and the same was also recorded in Para-3 of the earlier anticipatory bail application. The learned counsel thus submits that petitioners be granted the privilege of anticipatory bail as the matter was not adjudicated on merit and the anticipatory bail application was withdrawn based on submission made by the learned counsel for the informant as aforesaid.

8. The learned counsel for the petitioners next submits that the father of the petitioner no.1 was killed by the informant and others for which Maner P. S. Case No.443 of 2021 was instituted by the petitioner no.1. Thereafter, the petitioners came to be implicated in two or three different cases by the informant and his side after institution of the present F.I.R. It is thus submitted that when the present F.I.R. was instituted at that



point of time petitioner no.1 was having only one antecedent, but the learned counsel for the informant, who appeared at that point of time made a specific submission that petitioners have antecedent of several cases, which led to withdrawal of the anticipatory bail application without seeking instruction in the matter. It is again submitted that at the cost of repetition that no doubt, injury is alleged to be on vital part of the body, but then, the same is simple in nature.

9. The Court would not have entertained the application being second anticipatory bail, but then, in the nature of submission made, the Court is inclined to entertain the submission of the learned counsel for the petitioners.

10. Learned A.P.P. opposes the bail application.

11. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sushree Nutan Kumari, the learned J.M., 1st Class, Danapur, Patna in connection with Maner P. S. Case No.444 of 2021, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

12. The application stands allowed.

(Satyavrat Verma, J)

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