

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7817 of 2023

Arising Out of PS. Case No.-918 Year-2022 Thana- KANKARBAG District- Patna

1. ANUJ @ ANUJ KUMAR @ PINKU Son of Sri Ganesh Prasad Mehta @ Ganesh Mahto R/o Mohalla- Malahi Pakari, P.S.- Kankarbagh, Dist- Patna
2. MANTU @ ASHISH KUMAR Son of Sri Ganesh Prasad Mehta @ Ganesh Mahto R/o Mohalla- Malahi Pakari, P.S.- Kankarbagh, Dist- Patna
3. TINKU @ AVINASH KUMAR Son of Sri Ganesh Prasad Mehta @ Ganesh Mahto R/o Mohalla- Malahi Pakari, P.S.- Kankarbagh, Dist- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10053 of 2023

Arising Out of PS. Case No.-918 Year-2022 Thana- KANKARBAG District- Patna

1. SANJEEV KUMAR @ CHUNNU Son of Late Chandrabhushan Prasad R/o Kailashpuri, Malahipakdi, P.s- Kankarbagh, Dist- Patna
2. Ram Kumar @ Sri Ram Kumar son of Late Nathun Prasad @ Nathun Ram R/o 19, Gayatri Nagar, Malahi Pakdi, P.S- Kankarbagh, Dist- Patna
3. Shatrughan Paswan Son of Raghunath Paswan R/o Malahi Pakdi, P.S- Kankarbagh, Dist- Patna
4. Santosh Paswan son of Late Panchu Paswan R/o Dusedhi Pakri, P.s- Kankarbagh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7817 of 2023)

For the Petitioner/s : Mr. Mukesh Kumar No.1, Advocate.

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

For the informant : Mr. Sanjay Kumar Singh, Advocate.

(In CRIMINAL MISCELLANEOUS No. 10053 of 2023)

For the Petitioner/s : Mr. Ansul, Advocate.

Mr. Samrendra Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER



2 19-05-2023 Heard the parties.

Petitioners apprehend their arrest in connection with Kankarbagh P.S. Case No. 918 of 2022 dated 28.9.2022 registered for the offence punishable under Sections 147, 341, 323, 307, 447, 504, 506 and 427 of the Indian Penal Code.

As per the First Information Report, the informant was posted as Election Officer in Patna and belongs to Uttar Pradesh arrived at his residence situated at Kankarbagh, the petitioner along with other accused persons were standing along with the Motorcycle at the gate of the informant and when the informant asked them to vacate the place, they assaulted the informant by means of *lathi*, *danda*, bricks etc. It has further been alleged that the petitioner No. 1 of Cr. Misc. 10053 of 2023 assaulted the informant by means of bricks and *lathi* on his head and shoulder.

Learned counsel for the petitioners submits that both the parties are the residents of same Mohalla and the petitioners have been implicated in this case at the behest of the owner of the house of the informant with whom there is dispute with the co-accused Anuj Kumar relating to the land. He next submits that the injury caused to the informant by the petitioner No. 1 of Cr. Misc. 10053 of 2023 namely Sanjeev Kumar @ Chunnu is



on non-vital part of the body i.e. the Doctor has opined the grievous injury on the wrist of the informant whereas the allegation in the First Information Report is that Chunnu has assaulted on the head and shoulder of the informant. The allegation against the other petitioners are general and omnibus in nature.

Learned counsel appearing for the petitioners in Cr. Misc. 7817 of 2023 submits that all the petitioners are educated and employed in the Private Company.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner No. 1 in Cr. Misc. 10053 of 2023 is the husband of the Ward Councilor of the locality and in order to create fear in the area, he along with other accused persons assaulted the informant who is a government servant. He next submits that the informant has sustained grievous injury as discussed by the Doctor.

In reply, learned counsel of Cr. Misc. 10053 of 2023 submits that the petitioner No. 1 is suffering from cancer which would be evident from Annexure-3 series and he was not in a position to assault the informant.

Regards being had to the submission advanced by the



parties and taking into consideration the fact that allegation against the accused persons are general and omnibus in nature except the allegation upon petitioner No. 1 of Cr. Misc. 10053 (Sanjeev Kumar @ Chunnu) but, the injury caused to the informant is on non-vital part of the body and Sanjeev Kumar @ Chunnu is suffering from cancer, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Harshvardhan Singh, learned Judicial Magistrate, 1st Class, Patna, in connection with Kankarbagh P.S. Case No. 918 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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