

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15905 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- BIHARIGANJ District- Madhepura

1. SINTU YADAV, S/O AKAL YADAV, R/V- Fatehpur, Ward No.-01, P.S.- Bihariganj, District- Madhepura
2. SINKU KUMAR, S/O AKAL YADAV, R/V- Fatehpur, Ward No.-01, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ranjay Kumar Singh, Advocate
For the State	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr. Shiv Nandan, ADvocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned APP for the State of Bihar as well as learned counsel for the informant.

The petitioners are apprehending their arrest in connection with Bihariganj P.S. Case No. 134 of 2022 instituted for offence under Sections 323, 341, 307, 504, 506, 379 and 34 of Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, 10 named accused persons including the petitioners have come to the land of the informant and they were variously armed and have assaulted several members of the family of the informant including him.

Learned counsel for the petitioners submits that the nature of allegation is general and omnibus. At least against petitioner no. 2 namely *Sinku Kumar*, there is no specific



allegation regarding any specific assault. The petitioners have clean antecedents and falsity of the allegation is obvious from the fact that FIR is instituted 4 days after the alleged occurrence.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. It is pointed out that specific fire arm assault attributed to petitioner no. 1 namely *Sintu Yadav*, stands corroborated by injury report, which is obvious from the order of the Learned Sessions Judge, Madhepura, rejecting the petitioners' prayer for bail.

Considering the rival submissions, this Court would find that having regard to the nature of general and omnibus allegations and the clean antecedents, petitioner no. 2 namely *Sinku Kumar*, is entitled to privilege of anticipatory bail; whereas the prayer of petitioner no. 1 namely *Sintu Yadav*, is not fit to be considered for grant of anticipatory bail.

Also having regard to the nature of fire arm injury attributed to the petitioner no. 1 corroborated as per investigation, the prayer on behalf of the petitioner no. 1 namely *Sintu Yadav*, is rejected.

Insofar as petitioner no. 2 namely *Sinku Kumar* is concerned, prayer for anticipatory bail is allowed.

Accordingly, let the petitioner no. 2, namely *Sinku Kumar*, in the event of his arrest or surrender before the court



below within a period of four weeks from today, be released on 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 S.D.J.M., Madhepura, in connection with Bihariganj P.S. Case No. 134 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

shashank/-

U		T	
---	--	---	--

