

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19575 of 2023

Arising Out of PS. Case No.-281 Year-2020 Thana- NOORSARAI District- Nalanda

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1. Pintu Kumar @ Rajiv Kumar Bharti Son Of Nawal Prasad @ Nawal Kishore Prasad Resident Of Village - Jalalpur, P.S. - Noorsarai (NURSARAI), Distt. - Nalanda
 2. Viveek Kumar @ Vivekanand Prasad Son Of Late Rajendra Prasad Resident Of Village - Jalalpur, P.S. - Noorsarai (NURSARAI), Distt. - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Informant	:	Mr. Chandrakant, Advocate
For the State	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 13-06-2023 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Chandrakant, learned counsel for the informant. Learned counsel for the State is present.

The petitioners apprehend their arrest in connection with Noorsarai P.S. Case No. 281 of 2020, registered for the offences punishable under Sections 341, 323, 307, 504/34 of the



Indian Penal Code.

It is alleged that on account of dispute with regard to throwing of garbage on public road, all the accused persons, including the petitioners, thrashed the informant causing injury at the back side of his head.

Learned counsel appearing on behalf of the petitioners submits that from the FIR it is evident that the specific allegation has been levelled against co-accused Arjun Saw and Vikki Kumar and subsequently it is alleged that on the exhortation made by both of them, the petitioners came there and also abused and thrashed the informant due to which he sustained injuries. He further drawn the attention of this Court towards the injury report which suggests that the injuries are simple in nature caused by hard and blunt substance, however, he fairly submits that during the course of investigation, it has come that the informant died on 15.10.2020, after 45 days of the date of occurrence. He next submitted that despite the death of the informant, till date the investigation is going on and section 302 of the Indian Penal Code has not been added. He further submitted that the other co-accused persons having similar allegation have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No.



21723 of 2021 *vide* order dated 30.11.2021.

On the other hand, learned counsel for the informant vehemently opposed the bail application and submits that the informant died during the course of treatment on account of head injury which has been attributed against the petitioners and others. He next submitted that so far the other persons are concerned, they have been allowed anticipatory bail way back on 30.11.2021 but the petitioners remained absconded and, as such, they do not deserve the privilege of anticipatory bail.

Learned counsel for the State also opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the fact that the investigation is still going on and till date charge-sheet has not been submitted against the petitioners, inasmuch as, the other co-accused persons have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court, coupled with the fair antecedent of the petitioners and the genesis of occurrence, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- VII, Nalanda in connection with Noorsarai P.S. Case No. 281 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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