

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19663 of 2023

Arising Out of PS. Case No.-330 Year-22 Thana- KUDRA District- Kaimur (Bhabua)

1. Sanjay Kumar Ram Son Of Kunj Bihari Ram Resident Of Village- Jahanabad, Ps- Kudra, District- Kaimur At Bhabua
2. Sonu Kumar Son Of Kunj Bihari Ram Resident Of Village- Jahanabad, Ps- Kudra, District- Kaimur At Bhabua
3. Rakesh Kumar Ram Son Of Babban Ram Resident Of Village- Jahanabad, Ps- Kudra, District- Kaimur At Bhabua
4. Rahul Kumar Son Of Rash Bihari Ram Resident Of Village- Jahanabad, Ps- Kudra, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Rajni Kant Pandey, learned counsel appearing on behalf of the petitioners and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioners submits that during the pendency of the present application, petitioner no. 2 got arrested by the police and, as such, he seeks permission to withdraw the application to the extent it relates to petitioner no. 2.

The petitioner nos. 1, 3 and 4 apprehend their arrest in connection with Kudra P.S. Case No. 330 of 2022, registered for



the offences punishable under Sections 147/ 148/ 341/ 323/ 337/ 338/ 307/ 379 and 506 of the Indian Penal Code.

Allegedly, while the son of the informant was demanding his due money, the petitioners along with other co-accused persons armed with *lathi*, *danda* and bricks attacked the son of the informant and brutally assaulted him. It is also alleged that accused persons snatched away his valuables.

Learned counsel appearing on behalf of the petitioners submits that from the FIR it is evident that general and omnibus allegation of assault has been levelled against all the accused persons, however, from the injury report it appears that the injured has sustained only one injury though it is grievous in nature, thus the prosecution case is not corroborated by the injury report. He next submits that the petitioner nos. 1, 3 and 4 are men of fair antecedent and only on account of some trifling reason, both the parties entered into a verbal duel and later on a free-fight has taken place resulting into the injury to the son of the informant. He further submits that the petitioner nos. 1, 3 and 4 undertake that they will fully cooperate in the investigation and will not indulge in intimidating the witnesses or tampering the evidences.

On the other hand, learned counsel for the State



opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation of assault against all accused persons, but resulting into only one injury, coupled with the fair antecedent of the petitioner nos. 1, 3 and 4, let the petitioner nos. 1, 3 and 4 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 concerned Judicial Magistrate 1st Class, Mohania, District-Kaimur at Bhabua in connection with Kudra P.S. Case No. 330 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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