

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19966 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- AWTARNAGAR District- Saran

Nandan Kumar @ Nandan Singh, S/O Tuntun Kumar Singh @ Tuntun Singh,
Resident of Village- Madanpur, P.S.- Awatarnagar, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Jeetendra Narayan, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioner apprehends his arrest in connection
with Awatarnagar P.S. Case No. 90 of 2022 registered for the
offences punishable under Sections 341, 323, 324, 307, 504 and
506/34 of the Indian Penal Code.

It is alleged that while the informant along with his
friend 'Amit Kumar' was going for tuition, in the meanwhile,
three of the FIR named accused persons came on a motorcycle
and started abusing and threatened to kill. It is further alleged
that the petitioner and co-accused persons assaulted the
informant and his friend with knife causing cut injuries on the
back, wrist of the right hand of the informant and his friend also
sustained injury on his head, waist and left elbow.



Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that initially specific allegation has been levelled against three other accused persons, however, at the end of the prosecution case, it is also mentioned that the petitioner was also one of the accused who assaulted the informant and his friend. He next submitted that there is general and ominous nature of allegation and so far the injuries sustained to 'Amit Kumar' is concerned, the same are found to be simple in nature. He next submitted that the injury no. 2, which is said to be grievous in nature is sustained to the informant on non vital part of the body. Further submissions has been made that one of the co-accused, having identical allegation, has been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 53463 of 2022 vide order dated 18.01.2023. The petitioner is a man of fair antecedent and he undertakes that he will not indulge in intimidating the informant/witnesses or tampering with the evidence.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that the petitioner and others assaulted the informant and his friend by sharp edged weapon, resulting



into grievous injury.

Regard being had to the submissions made on behalf of the parties and considering the fact that one of the co-accused persons has been allowed the privilege of anticipatory bail, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Saran at Chapra in connection with Awatarnagar P.S. Case No. 90 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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