

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25824 of 2023

Arising Out of PS. Case No.-446 Year-2022 Thana- PHULWARISHARIF District- Patna

1. SANJAY KUMAR @ MUNNA KUMAR S/o Late Ramanuj R/o village-Fulia Tola, P.S.-Phulwari Sharif, District-Patna
2. SUNIL KUMAR S/o Ramajuj R/o village-Fulia Tola, P.S.-Phulwari Sharif, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Phulwarisharif P.S. Case No. 446 of 2022 registered for the offence punishable under Sections 341, 447, 384, 323, 308, 354, 379, 504 and 506/34 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 25.4.2022 at about 7:00 pm., the petitioners had arrived at the door of the house of the informant and had abused her and threatened her with dire consequences in case a sum of Rs. 1,00,000/- was not given. It is further alleged that on 2.5.2022 at about 9:00 pm.,



again the accused persons, namely, Rahul Kumar, Rohit Kumar, Sachin Kumar, Pintu Kumar, Nanhki Kumar, Jay Prakash and other ten unknown persons had arrived at the house of the informant, whereafter the co-accused person, namely, Rohit Kumar, had assaulted the informant and her son and then, the co-accused person, namely, Sachin, had snatched a gold chain from the neck of the informant, whereupon the co-accused persons, namely, Nanhakki and Jay Prakash, had assaulted the pregnant daughter of the informant.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and as far as the petitioners are concerned, they have not been alleged to have assaulted either the informant or the members of the prosecution party.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record



as also considering the fact that the petitioners have not been alleged to have engaged in any sort of specific overt act, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Patna in connection with Phulwarisharif P.S.Case No. 446 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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