

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38098 of 2023

Arising Out of PS. Case No.-240 Year-2021 Thana- NAUTAN District- Siwan

1. TUNTUN PRASAD Son of Late Kailash Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.
2. Lal Babu Prasad Son of Late Kailash Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.
3. Sani Kumar @ Sunny Kumar Son of Lal Babu Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.
4. Golu Kumar @ Golu Kumar Madhesiya Son of Lal Babu Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.
5. Aman Kumar Son of Lal Babu Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.
6. Rahul Kumar @ Rahul Kumar Madhesiya Son of Tuntun Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.
7. Govind Kumar @ Govinda Kumar Son of Raju Prasad Resident of Village - Nautan, Police Station - Nautan, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 2 01-08-2023 Heard learned counsel for the petitioners as well as learned APP for the State.
2. Learned counsel for the petitioners seeks permission to withdraw this application, as against the petitioner no.3, namely, Sani Kumar.
3. Permission is granted.



4. Accordingly, this application is dismissed as withdrawn.
5. Now, this application is being heard with regard to the petitioner nos.1, 2, 4, 5, 6 and 7 only.
6. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307, 354B, 379, 427 and other allied Sections of the Indian Penal Code.
7. Allegedly, petitioners and other co-accused persons went to the house of the informant and brutally assaulted the informant's side due to which they sustained injuries. It is also alleged that the petitioners snatched ornaments, money from them and they also tried to outrage the modesty of the daughter-in-law of the informant.
8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioners. There is a case and counter-case between the parties and both sides have sustained injuries. He further submits that though one injury has been found to be of grievous nature but there is general and omnibus allegation of assault against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the



bail application.

9. Learned APP for the State opposed the prayer for anticipatory bail.

10. Having regard to the facts and circumstances of the case as there is general and omnibus allegations against the petitioners, let the above named petitioner nos.1, 2, 4, 5, 6 and 7, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Nautan P.S. Case No.240 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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