

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52683 of 2023

Arising Out of PS. Case No.-88 Year-2009 Thana- DAUDNAGAR District- Aurangabad

1. Muna Kumar @ Shyam Sundar Sinha Son Of Shashi Kumar Sinha @ Shesh Sharma Resident Of Village - Suke Bazar, Daudnagar, P.S. - Daudnagar, District – Aurangabad.
2. Chuna Kumar @ Nil Kamal Sinha Son Of Shashi Kumar Sinha @ Shesh Sharma Resident Of Village - Suke Bazar, Daudnagar, P.S. - Daudnagar, District – Aurangabad.
3. Funa Kumar @ Amit Kumar Son Of Shashi Kumar Sinha @ Shesh Sharma Resident Of Village - Suke Bazar, Daudnagar, P.S. - Daudnagar, District – Aurangabad.
4. Shesh Sharma @ Shashi Kumar Sinha Son Of Late Raminjan Sharma Resident Of Village - Suke Bazar, Daudnagar, P.S. - Daudnagar, District – Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
	:	Mr. Saket Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-08-2023 Heard learned Sr. counsel Mr. Krishna Prasad Singh along with Mr. Saket Kumar Singh, Advocate for the petitioners and learned APP Mr. Jharkhandi Upadhyay for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 326/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against four named accused persons (petitioners). The specific allegation in the FIR is against one Munna Kumar @ Shyam Sundar Sinha (Petitioner no.1), who alleged to attack on the head of the informant by sword due to which his started

bleeding.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. Counsel for the petitioner submits that injury report of the informant has been annexed as Annexure-2 and it has been alleged that the injury, which is alleged to be made by sharp weapon, is basically simple in nature. The other injuries which are alleged to be taken place by *lathi* are also simple in nature, which are caused by hard and blunt substance. He further submits that upon investigation chargesheet has been filed against all the accused persons under Sections 323/504 of the Indian Penal Code which are bailable, whereas, cognizance has been taken in this case against all the accused persons under Section 307, which is non-bailable. Counsel fairly submits that the information with regard to taking cognizance was not received by them, as such, the cases have reached at the advance stage and processes under Sections 82 and 83 of the Code of Criminal Procedure have been issued. Counsel submits that the petitioner no.2 is an old aged person of 76 years.

5. Learned counsel for the petitioner submits that rest accused persons except petitioner no.1, used to reside outside the village, therefore, they became completely unaware about

the present development.

6. Learned APP for the State opposes the prayer for bail and submits that there is a specific allegation against the petitioner no.1 and other accused persons allegations made are general and omnibus in nature.

7. In the present facts and circumstances, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no.1, namely, Muna Kumar @ Shyam Sundar Sinha. Accordingly, the prayer for anticipatory bail of petitioner no.1 is hereby rejected

8. Considering the nature of allegation levelled against petitioner nos.2, 3 and 4, let the above named petitioners i.e. petitioner nos.2, 3 and 4 are directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No.88 of 2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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