

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57671 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- SALIMPUR District- Patna

1. Kumar Chandan @ Chandan Kumar Son Of Ravindra Singh resident of Village- Benipur Ps- Salimpur Dist- Patna,Bihar
2. Papu Kumar @ Pappu Kumar Son Of Rampravesh Singh resident of Village- Benipur Ps- Salimpur Dist- Patna,Bihar
3. Nandan Kumar Son Of Ravindra Singh resident of Village- Benipur Ps- Salimpur Dist- Patna,Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioners apprehend arrest in connection with
Salimpur P.S. Case No. 240 of 2022 dated 11.11.2022 instituted
for the offence punishable under Sections 147, 148, 149, 323,
325, 307, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 05.11.2022
at about 4 pm, the petitioners along with other co-accused
persons, armed with iron rod, *khanti* and sharp weapon, went to
Devendra Singh who was, at that time, sitting at *Chabutara*. It is
alleged that co-accused Kundan Kumar assaulted by means of



iron rod on the head of Devendra Singh, which caused injury in his head. Ajeet Kumar and Sujeet Kumar also assaulted Devendra Singh. It is also alleged that rest of the accused persons assaulted repeatedly on his body due to which he sustained grievous injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegations against the petitioners are general and omnibus. Specific allegation of assault is against the other co-accused persons. Learned counsel for the petitioners submits that there is a civil dispute between the parties. Learned counsel for the petitioner submits that one Vinod Singh, who is the uncle of the informant, filed a Title Partition Suit No. 10 of 2021, in which the petitioners and his family members are defendants. Lastly, it has been submitted that petitioners have four criminal cases against them which have been filed by informant side.

5. Learned A.P.P. for the State and learned counsel for the informant has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Salimpur P.S. Case No. 240 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Barh, Patna subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on



ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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