

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59621 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- NALANDA District- Nalanda

1. Nitish Kumar S/O Upendra Paswan R/O Village- Jagdishpur, Ps. Nalanda, Dist. Nalanda
2. Satish Kumar @ Santosh Kumar S/O Nandu Paswan R/O Village- Jagdishpur, Ps. Nalanda, Dist. Nalanda
3. Lalu Kumar @ Lallu Kumar S/O Rawan Paswan R/O Village- Jagdishpur, Ps. Nalanda, Dist. Nalanda
4. Dipak Kumar S/O Shailendra Paswan R/O Village- Jagdishpur, Ps. Nalanda, Dist. Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

It has been informed by the learned counsel for the petitioners that petitioner no.3, Lalu Kumar @ Lallu Kumar has been arrested during the pendency of the case and as such he may be permitted to withdraw the petition against him.

Permission accorded.

The petitioner nos. 1, 2 and 4 are apprehending arrest in connection with Nalanda P.S. Case No. 143 of 2023 instituted under Sections 147, 149, 341, 323, 325, 307, 379 and 427 of the Indian Penal Code lodged on 2.6.2023 by the



informant, Pinku Kumar.

As per the prosecution story, the informant alleged that on 02/06/2023 at about 08 PM when he was coming from his 'Dalan' on the way, the accused persons namely Bharat Kumar, Nitish Kuhar, Satish Kumar, Lalu Kumar, Dipak Kumar started assaulting him by 'lathi'. The accused Bharat Kumar assaulted on his head causing fracture and also snatched his mobile. Further, Awadhesh Paswan and Dhiraj Kumar assaulted his grandfather by 'lathi', 'danda' and rod causing fracture in his head. He further alleged that the accuseds also damaged the motorcycle. Accordingly, the FIR.

Learned counsel for the petitioners submit that the allegation of assault is on Bharat Kumar, Awadhesh Paswan and Dhiraj Kumar.

So far as the petitioner nos. 1, 2 and 4 are concerned, there is omnibus allegation against them and none of them has criminal antecedent.

Learned APP Mr. Bharat Bhushan opposes the prayer stating that though specific allegation is against Bharat Kumar, Awadhesh Paswan and Dhiraj Kumar, omnibus allegation is against the petitioner nos. 1, 2 and 4 also.

Taking into account the fact that there is no direct



allegation against petitioner nos. 1, 2 and 4, specific allegation is/are against Bharat Kumar, Awadhesh Paswan and Dhiraj Kumar, they do not have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioner nos. 1, 2 and 4 be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Nalanda P.S. Case No. 143 of 2023 to the satisfaction of learned learned Chief Judicial Magistrate, Nalanda at Biharsharif subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1, 2 and 4 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner nos. 1, 2 and 4 shall co-operate in the investigation and make themselves available to the police as



and when required;

(iv) the petitioner nos. 1, 2 and 4 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioner nos. 1, 2 and 4 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner nos. 1, 2 and 4 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

