

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64553 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- CHANAN District- Lakhisarai

Sonu Kumar, Son Of Surendra Mandal, Village Gopalpur, Ps- Chanan, Dist-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 67410 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- CHANAN District- Lakhisarai

Mirtunjay Kumar, S/O Tribeni Mandal, R/O Village- Gopalpur, P.S- Chanan,
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 64553 of 2023)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, Advocate

(In CRIMINAL MISCELLANEOUS No. 67410 of 2023)

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. Rita Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2023 Heard the learned counsel appearing on behalf of the

petitioners and Ms. Rita Verma, learned Additional Public

Prosecutor for the State. Considering the fact that both the

applications arise out of the same PS case and, as such, with the

consent of the parties are being heard together and disposed off



by this common order.

2. The petitioners apprehend their arrest in connection with Chanan P.S. Case No. 180 of 2022, registered for the offences punishable under Sections 341, 342, 147, 148, 149, 447, 448, 452, 323, 324, 325, 307, 379, 427 and 302 of the Indian Penal Code.

3. It is alleged that the petitioners alongwith other accused persons have assaulted the informant and his son, as a result of which the son of the informant succumbed to the injuries during the course of treatment.

4. Learned counsel appearing on behalf of the petitioners submits that from the narratives of the FIR, it is evident that there is no specific allegation against the petitioners attributing injury to any of the persons. They submits that there is a specific allegation against co-accused Nago Mandal and Shiv Kant Mandal who have assaulted the son of the informant by the butt of the rifle over his head, due to which he sustained head injury and subsequently died. Save and except, the allegation that the petitioners were members of the mob, there is no other allegation and, thus, considering the aforesaid fact, one of the co-accused namely Kamlesh Mandal, having identical allegation, has been allowed the privilege of anticipatory bail by



a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 37902 of 2023 vide order dated 01.08.2023. There is a counter version of the present crime being Chanan P.S. Case No. 181 of 2022, lodged by members of the petitioners side. They lastly submitted that the petitioners are men of fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the petitioners have actively participated in the crime and in furtherance of the common intention, they have also assaulted the informant and his son, due to which the son of the informant died.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioners and the fact that co-accused person having identical allegation has been allowed the privilege of anticipatory bail and the case of the petitioners is based on parity, coupled with the fair antecedent of the petitioners, let the petitioner above named be released on 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, 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 Additional Chief Judicial Magistrate 1st, Lakhisarai in connection with Chanan P.S. Case No. 180 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family member of the petitioners.

(Harish Kumar, J)

supratim/-

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