

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63157 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. KUNAL KUMAR SINGH @ KUNAL KUMAR Son of Sudhir Kumar Singh @ Sudhir Singh R/v- Berua, P.S.- Gaighat, District- Muzaffarpur.
2. SUDHIR KUMAR SINGH @ SUDHIR SINGH Son of Suryamohan Singh @ Suryamohan Prasad Singh R/v- Berua, P.S.- Gaighat, District- Muzaffarpur.
3. NAWIN SINGH @ SONU KUMAR @ NAWIN KUMAR Son of Uday Shankar Singh @ Uday Singh R/v- Berua, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Gaighat P.S. Case No.107 of 2021, registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

On the order of petitioner no.2, Sudhir Kumar Singh, Petitioner No.1, Kunal Kumar Singh is said to have assaulted the informant by means of iron rod on his head causing bleeding injury. It is also alleged that Petitioner No.1 snatched chain made of gold from the informant gave it to petitioner no.3,



Nawin Singh.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got one criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that no specific overt act is alleged against the petitioners. Learned counsel for the petitioners submits that there is case and counter case between the parties and both sides sustained injuries. It is further submitted that the specific allegation of assault is against petitioner no.1, Kunal Kumar Singh, who assaulted the informant by means of iron rod and injury was found grievous in nature. It is lastly submitted that the matter has been compromised between the parties.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Considering the fact that there is general and omnibus allegation against petitioners no.2 and 3, let petitioners no.2 and 3, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,



1st Class, Muzaffarpur in connection with Gaighat P.S. Case No.107 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no.1, Kunal Kumar Singh @ Kunal Kumar is concerned, considering the fact that petitioner no.1 assaulted the informant by means of iron rod on his head and the injury was found grievous in nature, I am not inclined to enlarge petitioner no.1, Kunal Kumar Singh @ Kunal Kumar on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to petitioner no.1, Kunal Kumar Singh @ Kunal Kumar is hereby rejected.

However, if petitioner no.1, Kunal Kumar Singh @ Kunal Kumar surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of petitioner no.1 preferably on the same day without being prejudiced by this order of rejection considering the fact that the matter has been compromised between the parties.

(Anjani Kumar Sharan, J)

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