

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9975 of 2024

Arising Out of PS. Case No.-320 Year-2020 Thana- MANER District- Patna

1. Sunil Kumar S/o Saheblal Singh @ Saheblal Rai @ Saheb Lal Rai R/o Vill - Hathi Tola, P.S. - Maner, Dist. - Patna
2. Anil Kumar S/o Saheblal Singh @ Saheblal Rai @ Saheb Lal Rai R/o Vill - Hathi Tola, P.S. - Maner, Dist. - Patna
3. Niraj Kumar S/o Jatadhari Ray @ Jatadhari Rai R/o Vill - Hathi Tola, P.S. - Maner, Dist. - Patna
4. Rohit Kumar S/o Jatadhari Ray @ Jatadhari Rai R/o Vill - Hathi Tola, P.S. - Maner, Dist. - Patna
5. Nirala Kumar @ Suryakant Nirala S/o Jatadhari Ray @ Jatadhari Rai R/o Vill - Hathi Tola, P.S. - Maner, Dist. - Patna
6. Saheblal Singh @ Saheblal Rai @ Saheb Lal Rai S/O DEV KUMAR RAI R/o Vill - Hathi Tola, P.S. - Maner, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard Mr. Rupesh Kumar, learned counsel for the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Maner P.S. Case No. 320 of 2020 for the offence under Sections 147, 148, 149, 448, 324, 307, 379, 354, 504 and 506 of the I.P.C. lodged on 24.06.2020, by the informant, Upendra Mahto.

3. As per the prosecution story, the allegation is



that the accused persons, armed variously entered the informant's house and after abuse, Vishal Kumar assaulted Neeraj Kumar with *farsa*, Sarvjit Kumar assaulted the informant nephew Deepak Kumar whereas Bhagwan Rai assaulted his sister-in-law, Meena Devi and also outraged her modesty. The further allegation is against Jitesh Kumar and Sunita Kumari of having ran away with the box kept in the house. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that specific allegation is against Vishal Kumar, Sarvjit Kumar, Bhagwan Rai and Jitesh Kumar, so far as these petitioners are concerned omnibus allegations have been made against all of them, being present their without assigning any role. Learned counsel for the petitioners submits that they have also lodged Maner P.S. Case No. 420 of 2020 against the informant and his family members. Further, the petitioners are ready to cooperate in the investigation/trial.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also that specific allegation is against Vishal Kumar, Sarvjit Kumar, Bhagwan Rai and



Jitesh Kumar and omnibus against all of them, FIR lodged, they will ultimately face the trial.

7. Let the petitioners be released on bail in the event of their arrest or surrender 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 like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur in connection with Maner P.S. Case No. 320 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners 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;

(v) the petitioners 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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