

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13685 of 2024

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

Sujeet Kumar Singh @ Sarvjeet Kumar Son of Shaeb Lal Singh Saheblal
Singh @ Saheblal Rai Resident of Village- Hathi Tola, Police Station- Maner,
District-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34984 of 2024

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

1. SHAILESH KUMAR @ SHAILENDRA KUMAR SON OF BHAGWAN
RAI @ SRI BHAGWAN RAI RESIDENT OF VILLAGE - HATHI TOLA,
P.S. - MANER, DISTRICT - PATNA
2. JITESH KUMAR SON OF BHAGWAN RAI @ SRI BHAGWAN RAI
RESIDENT OF VILLAGE - HATHI TOLA, P.S. - MANER, DISTRICT -
PATNA
3. NITESH KUMAR SON OF BHAGWAN RAI @ SRI BHAGWAN RAI
RESIDENT OF VILLAGE - HATHI TOLA, P.S. - MANER, DISTRICT -
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13685 of 2024)

For the Petitioner/s : Mr.Rupesh Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 34984 of 2024)

For the Petitioner/s : Mr.Rupesh Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 19-07-2024

Heard the parties.

2. The petitioners are apprehending arrest in



connection with Maner P.S. Case No. 320 of 2020 instituted under Sections 147, 148, 149, 448, 324, 307, 379, 354, 504, 506 of the Indian Penal Code lodged on 24.6.2020 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 submit 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 submit 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 counsel for the petitioners submit that in



Cr. Misc. No. 13685 of 2024 (Sujeet Kumar Singh @ Sarvjeet Kumar) though there is allegation against him of assaulting with brick on the chest of Deepu Kumar, despite the two orders passed earlier firstly by the coordinate bench on 12.3.2024 and secondly by this Court on 10.4.2024/ 17.5.2024, the case diaries that have come does not contain the injury report of Deepu Kumar. He submits that only there is injury report of Neeraj Kumar which shows that after stabbing injury, he underwent surgery at Patna Medical College and Hospital. It is his submission that the said allegation is against Vishal Kumar that he gave 'Farsa' blow on the head of the nephew of the informant namely Neeraj Kumar. He, however, concedes that the petitioners have criminal antecedent.

6. Learned APP opposes the prayer stating that with the common intention they have assaulted the other side.

7. Taking into account the aforesaid submissions put forward by the parties as also that there is allegation of assault on Sarvjeet Kumar despite order/reminder, the case diary sent but do not contain any injury report so far as Deepu Kumar is concerned. Regarding, other petitioners namely Shailesh Kumar @ Shailendra Kumar, Jitesh Kumar and Nitesh Kumar (Cr. Misc. No. 34984 of 2024), omnibus allegation is there without



any specific role assigned and some of the accused have earlier been extended the relief in Cr. Misc. No. 9975 of 2024 by an order dated 22.2.2024.

8. In that background, the prayer in both the petitions are allowed.

7. Let the petitioners 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 Maner P.S. Case No. 320 of 2020 to the satisfaction of learned Judicial Magistrate-1st Class, Danapur 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/relative of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;



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

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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