

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24062 of 2024

Arising Out of PS. Case No.-41 Year-2022 Thana- MALI District- Aurangabad

1. Shanu Kumar Son of Harendra Singh @ Harendra Kumar Singh @ Bhala Singh R/o Village- Sori, P.S.- Mali, Dist.- Aurangabad
2. Sunny Kumar Son of Munna Singh R/o Village- Sori, P.S.- Mali, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Mali P.S. Case No. 41 of 2022 registered under Sections 147, 149, 341, 323, 324, 307, 379, 427 and 504 of the Indian Penal Code lodged on 24.04.2022 by the informant, Vijay Kumar Singh.

3. As per the prosecution story, the informant alleged that when due to marriage in the family, they were visiting the temple, the accused persons armed variously came and assaulted. Allegation against both the petitioners is of giving 'gandasa' blow on the head of Sujit Kumar and Alok Kumar.



There are allegation attributed to other accused persons as also damaging of the vehicle and taking away the amount.

4. Learned counsel for the petitioners submit that there is case and counter case, the petitioner's side has also been brutally assaulted, some of them have been treated at Banaras Hospital, both the petitioners are students having no criminal antecedent and the injuries have been found to be simple in nature.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner (s) on its own would like to contribute Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'District Legal Services Authority, Aurangabad.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that both the petitioners have assaulted the informant's side but concede that Annexure-2 to the petition shows that the injuries are simple in nature.

7. Taking into account the aforesaid factss though it is deprecable that on the occasion of marriage, the accused side



chose to assault the informant's family; as there is counter version also and the petitioner's side also suffered, both the petitioners are students having no criminal antecedent and the injuries have been found to be simple in nature, this Court is inclined to grant them privilege of anticipatory bail subject to the payment of Rs. 10,000/- to the District Legal Services Authority, Aurangabadas stated above which shall be used exclusively for purchase of the journals by the said authority.

8. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Aurangabad in connection with Mali P.S. Case No. 41 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner 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 petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 their 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 the bail bonds.

(Rajiv Roy, J)

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