

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28784 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- JALALPUR District- Saran

1. Jailal Prasad @ Tuntun Son Of Late Vishwanath Prasad Resident Of Village- Gamhariya Kala, Ps- Jalalpur, Dist- Saran
2. Upendra Prasad Suman Son Of Late Jaglal Prasad Resident Of Village- Gamhariya Kala, Ps- Jalalpur, Dist- Saran
3. Munna Prasas Suman Son Of Ghughuli Prasad Resident Of Village- Gamhariya Kala, Ps- Jalalpur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Jalalpur P.S. Case No. 311 of 2023 for the offence under sections 341, 323, 324, 325, 307, 504, 34 of the I.P.C. lodged on 29.11.2023 by the informant, Jitendra Prasad.

3. As per the prosecution story, the informant alleged that when the father came to his rescue as the accused persons have assembled, Upendra Prasad Suman (petitioner no.2) gave iron rod blow causing fracture in his left leg. Further, the other accused persons assaulted the informant as also his father causing injuries. Allegation against Munna Prasad Suman



(petitioner no.3) is of having caught hold of the informant and his brother.

4. Learned counsel for the petitioners submit that there is allegation of specific assault on Upendra Prasad Suman (petitioner no.2). So far as Munna Prasad Suman (petitioner no.3) is concerned, the allegation is having caught hold of the informant/father. He further submits that omnibus allegation is there against petitioner nos. 1 and 3 of assaulting both the persons.

5. Learned APP points out that number of injuries have been found on the person of Jitendra Prasad as also his father Harendra Prasad.

6. Considering a kind of allegation and the injuries that have come against the father/son and the petitioner nos. 2 and 3 have criminal antecedents, this Court is not inclined to grant relief to Upendra Prasad Suman (petitioner no.2) and Munna Prasad Suman (petitioner no.3).

7. Accordingly, their anticipatory bail application stands rejected.

8. So far as Jailal Prasad @ Tuntun (petitioner no.1) is concerned, considering his age as also the fact that omnibus allegation is there against him, he do not have criminal



antecedent, this Court is inclined go grant bail to the petitioner no.1.

9. Let the petitioner no.1 be released on bail in the event of 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 A.C.J.M.-13, Saran at Chapra, in connection with Jalalpur P.S. Case No. 311 of 2023 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 petitioner no.1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 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 his bail bond by the Trial Court itself;

(iii) the petitioner no.1 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no.1 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 petitioner no.1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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