

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35785 of 2024

Arising Out of PS. Case No.-662 Year-2023 Thana- Kharagpur District- Munger

1. Pintush Kumar @ Abhishek Kumar, Male, aged about 19 years,
2. Subhsh Kumar, Male, aged about 20 years,
Both son of Nawal Bind @ Nawal Kishor Bind, R/O Village- Mahkola, P.S-
Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 04-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Kharagpur PS Case No.662 of 2023 dated 18.11.2023, instituted
under Sections 341, 323, 504, 506, 337, 338, 307, 379/34 of the
Indian Penal Code.

3. The prosecution story, in brief, is that on the alleged
date of occurrence the accused persons named in the FIR armed
with axe, iron rod etc. came at the house of the informant and
started abusing as well as assaulting his brother Shashi Kumar.
Upon protest by his brother, they asked to kill him and started
assaulting him with axe, katta, iron rod etc. When the informant



and his family members tried to rescue him, they were also assaulted. Accused Mithun Kumar is said to have assaulted on the informant's head with iron rod causing injury and he became unconscious and when he regained his consciousness, he found his father and uncle injured and they had received injury on the head. Cause of occurrence is said to be a dispute between the parties which was compromised later on. It is also alleged that during assault Saraswati Devi and Sunita Devi assaulted the informant and his mother by *lathi* and snatched a locket from his father.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is specific allegation against accused Mithun Kumar. There is nothing specific against the petitioners, rather, allegation against the petitioners is general and omnibus. There is case and counter case between the parties. Counter case has been lodged by Fulo Devi, wife of Nawal Kishore Bind vide Kharagpur PS Case No.679 of 2023 against the informant and his family members. Further submission is that similarly situated co-accused Bali Kumar Bind @ Bali Kumar has been granted anticipatory bail by this Court by order dated 31.07.2024 passed in Cr. Misc. No. 29128



of 2023 and the case of these petitioners stand on the same footing. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has vehemently opposed the prayer for bail. It is submitted that the informant's side has sustained grievous injury caused by the accused persons.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM- IV, Munger, in Kharagpur PS Case No.662 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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