

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55125 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- KUTUMBA District- Aurangabad

1. Saryu Bhagat @ Saryu Mali Son Of Late Jagarnath Mali Resident Of Village - Kathani, P.O. - Mali, P.S. - Kutumba, District - Aurangabad
2. Chhathan Kumar @ Chhathan Mali Son Of Saryu Bhagat Resident Of Village - Kathani, P.O. - Mali, P.S. - Kutumba, District - Aurangabad
3. Sheosagar Mali Son Of Saryu Bhagat Resident Of Village - Kathani, P.O. - Mali, P.S. - Kutumba, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Kutumba P.S. Case No. 05 of 2024, registered for the alleged offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, petitioners and co-accused assaulted the son of the informant with iron rod and *lathi*, causing head injury to him when the son of the informant inquired from them about theft of iron *patiya* used in shuttering of house.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. There is counter version as petitioners' side has lodged Kutumba P.S. Case No. 06 of 2024 for the same occurrence and the petitioners have received injuries. Both sides are agnates. From the FIR, it is clear that the informant is not an eye witness and the allegations are general and omnibus against all the petitioners and co-accused. The victim received injury on his head and left eye and after CT scan, the head injury was stated to be grievous but there are only two injuries, one on scalp and another injury is on left ear for which the allegation is against all the petitioners which is not believable. Petitioners are father and sons and they are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation and further considering the case and counter case and relationship of the parties, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 05 of



2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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