

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57707 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- ALOULI District- Khagaria

1. Sanmol Kumar Son Of Kaleshwar Singh Resident Of Village- Dalan Haripur, Chhoti Simraha, Ward No. 4, Ps- Alauli, Distt- Khagaria
2. Anmol Kumar Son Of Kaleshwar Singh Resident Of Village- Dalan Haripur, Chhoti Simraha, Ward No. 4, Ps- Alauli, Distt- Khagaria
3. Santosh Kumar @ Santosh Singh Son Of Dayalchand Singh Resident Of Village- Dalan Haripur, Chhoti Simraha, Ward No. 4, Ps-Alauli, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Alauli P.S. Case No. 31 of 2023, G.R. No. 247 of 2023 dated 29.01.2023 registered for the offence punishable under Sections 341, 323, 379, 307, 385, 506 read with 34 of the Indian Penal Code.



4. As per the prosecution case, all the accused persons including the petitioners intercepted the informant and his wife. When they were on the way to home and began to assault them. The petitioner nos. 2 and 3 caught the informant and the petitioner no.1 assaulted on his head with an iron rod. When the wife of the informant came to rescue then the co-accused Supriya, Saurab and Sangeeta caught hold of her and the petitioner no.3 assaulted her with an iron rod on her head. Meanwhile, the petitioner no.1 snatched her golden chain worth Rs. 50,000/- and Rs. 30,000/- Thereafter, they demanded Rs. 20,000/- as ransom and threatened to kill the entire family.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioner nos. 2 and 3 namely, Anmol Kumar and Santosh Kumar @ Santosh Singh. The petitioners have no criminal antecedent as stated in para 3 of the bail petition and submitted that there is specific allegation against the petitioner no.1 namely, Sanmol Kumar and the informant sustained five multiple injuries out of which the injury no.1



is stated to be grievous in nature which is on vital part of the informant.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner nos.2 and 3 namely, Anmol Kumar and Santosh Kumar, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Chief Judicial Magistrate, Khagariya in connection with Alauli P.S. Case No. 31 of 2023, G.R. No. 247 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed with regard to the petitioner nos.2 and 3 namely, Anmol Kumar and Santosh Kumar.

9. So far as, the petitioner no.1 namely, Sanmol Kumar is concerned, considering specific allegation against



him as well as the injury being grievous in nature on vital part, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner no.1 namely, Sanmol Kumar to surrender before the concerned Court below within eight weeks from the date of this order and the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

10. Accordingly, the application regarding the petitioner no.1 namely, Sanmol Kumar stands disposed of.

(Chandra Prakash Singh, J)

Nilmani/-

U		T	
---	--	---	--

