

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66215 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- RUPAULI District- Purnia

1. Suman Kumar Son Of Sri Awdhesh Singh Resident Of Village - Tillah, P.S.- Chousa, District - Madhepura
2. Hari Shankar Singh @ Hari Shankar Sinha Son of Late Ram Lal Mandal Resident of village - Tillah, P.S.- Chousa, District - Madhepura
3. Jayant Kumar Son of Sri Hari Shankar Singh @ Hari Shankar Sinha Resident of village - Tillah, P.S.- Chousa, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-04-2024 At the outset, it is submitted by the learned counsel for the petitioners that he seeks permission to withdraw this application against petitioner No.3, namely, Jayant Kumar.

2. Permission is accorded.

3. This application is dismissed as withdrawn against petitioner No.3, namely, Jayant Kumar.

4. So far as petitioner No.1 and petitioner No.2 are concerned and they filed the instant application for anticipatory bail apprehending their arrest in connection with Rupauli (Mohanpur) P.S. Case no. 143 of 2023 instituted for the offence under Sections 302, 120(B) and 506 of the Indian Penal Code.



5. As per FIR, the allegation against the petitioners along with other co-accused person is that they, on the order of the petitioner, namely, Harishankar Singh upon which petitioner, namely, Jayant Kumar and co-accused Sharwan Kumar started assaulting to the husband of the informant by iron rod due to which he sustained injury on his head and died on spot. Petitioner, namely, Suman Kumar and other threatened the brother of the informant of dire consequences and after that they fled from there.

6. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to previous enmity. There is no specific overt act of assaulting against the petitioner No.1 and petitioner No.2 rather the specific allegation of assaulting upon the informant's husband is against petitioner No.3 and co-accused Sharwan Kumar. Co-accused Sharwan Kumar has already been granted regular bail by this Court vide order 02.02.2024 in Cr. Misc. No. 65795 of 2023.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner No.1, namely Suman



Kumar and petitioner No.2, namely, Hari Shankar Sinha on bail.

The above named petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Rupauli P.S. Case No. 143 of 2023, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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