

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71782 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- BHAGWANPUR District- Begusarai

1. Himanshu Kumar S/o- Dinesh Chourasiya @ Dinesh Chaurasiya Village-Akaha P.S-Bhagwanpur, District- Begusarai, P/A- Baghi Po- Suhirdnagar W.No-25, Ps- Lohiya Nagar Dist- Begusarai
2. Priyanshu Kumar Son of Dinesh Chourasiya @ Dinesh Chaurasiya Village-Akaha P.S-Bhagwanpur, District- Begusarai, P/A- Baghi Po- Suhirdnagar W.No-25, Ps- Lohiya Nagar Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bhagwanpur P.S. Case No. 126 of 2024 dated 14.05.2024, instituted for the offence punishable under Sections 147, 148, 447, 341, 323, 307, 354, 379, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that all accused persons including the petitioners armed with *lathi*, rod, pistol in their hands came and started abusing the informant. Ankit Kumar gave iron rod blow on his head and



mouth due to which he sustained head injury. When his father Ramashish Chaurasiya came to save him then Vikash Kumar and Mukul Kumar started strangulating his neck by putting *gamcha* and rest accused persons started assaulting him. In the meantime, Mukul Kumar pointed pistol upon his father and when his mother came with Rs. 50,000/- then Himanshu Kumar pushed her on the ground and co-accused Ankit Kumar snatched the money from his mother. Thereafter, they threatened him to face dire consequences.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is specific allegation against co-accused Ankit Kumar that he assaulted with iron rod on the head of the informant causing head injury. The doctor has opined that the nature of injury is simple. It is submitted that there is no specific allegation of assault against the petitioners rather the allegation is general and omnibus. Lastly, it has been submitted that Petitioner No. 1 has five criminal cases against him and Petitioner No. 2 has three criminal cases against him.

5. Learned A.P.P. as well as learned counsel for the



informant has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bhagwanpur P.S. Case No. 126 of 2024, they shall be released on anticipatory 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 C.J.M., Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made



accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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