

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76572 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- BHAGWANPUR District- Vaishali

1. KUNAL KUMAR @ KUNAL KUMAR SINGH S/O AJAY KUMAR SINGH VILLAGE- HARPUR KASTURI, PS. BHAGWANPUR, DIST. VAISHALI
2. GAUTAM KUMAR S/O AJAY KUMAR SINGH VILLAGE- HARPUR KASTURI, PS. BHAGWANPUR, DIST. VAISHALI
3. BINAY KUMAR SINGH S/O CHANDRA SHEKHAR SINGH VILLAGE- HARPUR KASTURI, PS. BHAGWANPUR, DIST. VAISHALI
4. RAHUL KUMAR S/O BINAY KUMAR SIUNGH VILLAGE- HARPUR KASTURI, PS. BHAGWANPUR, DIST. VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bhagwanpur P.S. Case No. 183 of 2023 for the offence registered under sections 341, 337, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code lodged on 04.08.2023 by the informant, Anil Kumar Singh.

3. As per the prosecution story, the informant alleged that while after dinner he was walking, the accused persons came armed variously, allegation against petitioner no. 1, Kunal



Kumar @ Kunal Kumar Singh is of giving '*gadasa*' blow on the head, causing injury. Further, the petitioner no. 3 gave '*tegari*' blow. As his wife came to the rescue, allegation against Gautam Kumar (petitioner no. 2) and Rahul Kumar (petitioner no. 4) is that they assaulted his wife as also outraged her modesty and took away gold chain worth Rs. 60,000/-. They were referred to Bhagwanpur hospital and then to Sadar Hospital, Hajipur. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that they are step brothers, case and counter case, both sides have suffered injuries and do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that there is specific allegation against petitioner no. 1, Kunal Kumar @ Kunal Kumar Singh of giving '*gadasa*' blow on the head and the doctor has found the injury to be dangerous to life as per the case diary which has been received pursuant to the order passed by co-ordinate bench.

6. Considering the submissions of the parties as also the fact that specific allegation of assault on head has been attributed to petitioner no. 1, Kunal Kumar @ Kunal Kumar Singh and the same has been found to be grievous in nature, this



Court is not inclined to extend him privilege of anticipatory bail which is according rejected.

7. So far as the petitioner nos. 2, 3 and 4 namely, Gautam Kumar, Binay Kumar Singh and Rahul Kumar respectively are concerned, allegation of assault on the head is not on the petitioner no. 3, Binay Kumar Singh, though allegation of assault to the wife is attributed to petitioner no. 2, Gautam Kumar and petitioner no. 4, Rahul Kumar, the same has been found to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner nos. 2, 3 and 4 namely, Gautam Kumar, Binay Kumar Singh and Rahul Kumar respectively in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 6th Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 183 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 2 to 4, who shall provide official document to



show their *bona fide*;

(ii) the petitioner nos. 2 to 4 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner nos. 2 to 4 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2 to 4 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner nos. 2 to 4 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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