

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77721 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- KAJRA District- Lakhisarai

1. Mohan Kumar, Son of Late Ram Sakal Mandal, Resident of Village- Sahmalpur, P.O.- Kajara, P.S.- Kajara, District- Lakhisarai
2. Sohan Kumar, Son of Late Ram Sakal Mandal, Resident of Village- Sahmalpur, P.O.- Kajara, P.S.- Kajara, District- Lakhisarai
3. Sintu Kumar, Son of Mahadev Mandal, Resident of Village- Sahmalpur, P.O.- Kajara, P.S.- Kajara, District- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sumeet Kumar Singh, Advocate Ms. Alka Singh, Advocate
For the State	:	Mr. Md. Ataur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Kajra P.S. Case No. 106 of 2023 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 23.07.2023 when the informant was returning from old house to Samalpur and reached near Lakshmi Temple, the FIR named accused persons including these petitioners armed with iron rod, lathi and *pharsa* surrounded the informant and assaulted him by iron rod and



pharsa. It is further alleged that Santosh Kumar snatched Rs.5,000/- from the informant and Sohan Kumar snatched his gold chain. When the brother of the informant came there to rescue him, he was also assaulted. It is further alleged that on 22.07.2023 at about 09:00 P.M. all the accused persons, specially Santosh Kumar assaulted one Prashant Kumar after consuming liquor.

4. Learned counsel for the petitioners submits that the allegation of using a *pharsa* and causing head injury to the informant is against co-accused Santosh Kumar who is not before this Court. So far as these petitioners are concerned, it is alleged that they were carrying iron rod and had also assaulted the informant side. It is submitted that there is a case and counter case between the parties and there being two different version of the same story and further that the injuries caused to the informant side in this case are simple in nature, the petitioners deserve privilege of anticipatory bail.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners, but considering the entire facts and circumstances of the case, the nature of weapon used and the fact that there is a case and counter case between the parties showing that they had indulged in a free fight and further



that the injuries are simple in nature, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above-named shall be released on bail in connection with Kajra P.S. Case No. 106 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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