

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74966 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- MAHUA District- Vaishali

1. SHORABH KUMAR @ SAURAV KUMAR S/O- NARESH RAI R/O- VILLAGE- KANHAULI MANSIPUR, P.S.- MAHUA, DIST.- VAISHALI
2. MANKHUSH KUMAR @ MANKHUSH RAJ S/O- UPENDRA RAI @ UPENDRA PRASAD YADAV R/O- VILLAGE- KANHAULI MANSIPUR, P.S.- MAHUA, DIST.- VAISHALI
3. SHIV CHANDRA RAI S/O- LATE KAMLA RAI R/O- VILLAGE- KANHAULI MANSIPUR, P.S.- MAHUA, DIST.- VAISHALI
4. VISHAL KUMAR S/O- SUBODH RAI R/O- VILLAGE- TANRA, P.S.- MAHUA, DIST.- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Amber Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Mr. Nilesh Kumar, learned counsel for the petitioner and Mr. Amber Narayan who represent the informant as also the State.

2. The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 163 of 2022 for the offence under Sections 341, 323, 324, 379, 504, 354B, 506, 34 and 307 of the I.P.C. lodged on 18.03.2022 by the informant, Harishankar Kumar.

3. As per the prosecution story, the informant has



alleged that while he was sitting on the door alongwith his children, the accused persons assembled there and while petitioner No. 1 Shorabh Kumar attacked Mohan Ray the petitioner No. 2 Mankhush Kumar and Dinesh Rai attacked Harishankar Kumar. The further allegation is that the petitioner No. 4 Vishal Kumar attacked Rohan Kumar. In this way, the informant side suffered injuries. The further allegation is of snatching money and jewellery. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the assault made by Vishal Kumar and Mankush Kumar has been found to be simple in nature. He, however, concede that so far as petitioner No. 1 Shorabh Kumar @ Saurav Kumar is concerned one of the injuries has been found to be grievous. On the last occasion, the coordinate Bench had asked for the injury report which has come and learned counsel for the informant has taken this Court to the injury report of Mohan Rai which clearly shows that one of the injuries (injury No. 2) has been found to be grievous in nature.

5. Under that circumstance, the anticipatory bail



application of petitioner No. 01 (Shorabh Kumar @ Saurav Kumar) is rejected.

6. So far as the petitioner No. 2 (Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) are concerned, taking into account that the injury inflicted by petitioner Nos. 02 and 04 have been found to be simple in nature, there is no direct allegation against petitioner No. 3 who is seventy five years of age, none of them have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioner No. 2 (Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 163 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner No. 2



(Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner No. 2 (Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) 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 their bail bond by the Trial Court itself;

(iii) the petitioner No. 2 (Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner No. 2 (Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) 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 No. 2 (Mankhush Kumar @ Mankhush Raj), petitioner No. 3 (Shiv Chandra Rai) and petitioner No. 4 (Vishal Kumar) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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