

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79611 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- MAHKAR District- Gaya

1. Sudarshan Kumar Son Of Hari Jamadar Resident Of Village - Bala Bigha, P.S. - Mahkar, District - Gaya
2. Bablu Kumar Son Of Hari Jamadar Resident Of Village - Bala Bigha, P.S. - Mahkar, District - Gaya
3. Hari Jamadar Son Of Late Dina Nath Jamadar Resident Of Village - Bala Bigha, P.S. - Mahkar, District - Gaya
4. Suraj Kumar Son Of Rameshwar Jamadar Resident Of Village - Bala Bigha, P.S. - Mahkar, District - Gaya
5. Dharmenrda Jamadar @ Dharmendra Kumar Jamadar Son Of Late Arjun Jamadar Resident Of Village - Bala Bigha, P.S. - Mahkar, District - Gaya
6. Nitish Kumar Son Of Late Arjun Jamadar Resident Of Village - Bala Bigha, P.S. - Mahkar, District - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to the petitioner nos. 5 and 6 i.e. Dharmenrda Jamadar @ Dharmendra Kumar Jamadar and Nitish Kumar , who have already been arrested.

Permission is accorded.



Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 4 and 5.

3. The petitioners are apprehending their arrest in a case in connection with Mahkar P.S. Case No. 73 of 2023 dated 02.04.2023 registered for the offences punishable u/ss 341, 323, 379, 307, 504, 506 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, when the informant was sitting at her home, in the meantime, all the accused persons armed with rod came and started abusing and assaulting on her head causing injury. It is further alleged that the petitioner Sudarshan Kumar snatched Mangalsutra of Guddi Devi.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is land dispute between the parties. It is further submitted that there is general and omnibus allegation against the petitioners. The injury of Balgovind Jamadar is found grievous in nature and the injury of other injured persons is found simple in nature but in the F.I.R., Balgovind Jamadar was not even present on the place of occurrence because his name was not mentioned in the F.I.R. in any manner which clearly shows that



the accused persons have not assaulted to said Balgovind Jamadar. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioner no. 1, 2, 3 and 4, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Mahkar P.S. Case No. 73 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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