

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81208 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- SHAMPUR District- Munger

1.

Nitish Kumar @ Katappa S/o Manoj Yadav Resident of village- Laliyadih, Lohchi, P.S. - Shhampur, District - MUNGER
2.

Sumit Kumar S/o Manoj Yadav Resident of village- Laliyadih, Lohchi, P.S. - Shhampur, District - MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

204-12-2024

Heard the learned counsel appearing on behalf of the petitioners the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Shampur P.S. Case No. 63 of 2024, registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 354, 427, 506, 448 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on account of some trifle all the FIR named accused persons including the petitioners armed with lathi, danda and other weapons came there and started abusing and assaulting.

Specifically alleged that the petitioners along with other unknown persons brutally assaulted the informant and when the father, brother and wife came to his rescue, the accused persons also assaulted them. There is allegation of theft and loot of valuables from the grocery shop of the informant.

4. Learned Advocate for the petitioners drawing the attention of this Court to the FIR contended that there is omnibus nature of allegation against all the FIR named accused persons. So far the injury sustained to the informant and other two persons are concerned, the same appear to be simple in nature. In support of aforesaid contention, the injury reports of the injured persons have been placed on the record, as Annexure-2 Series. It is further contended that the petitioners are men of fair antecedent and they shall abide by all the terms and conditions which would be imposed by this Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that apart from the specific allegation of assault and snatching of valuables, the petitioners have also threatened the informant and his family members and also ransack the entire grocery shop.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of

allegation against all the FIR named accused persons, coupled with the simple injuries sustained by the informant and others; as also, the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Munger in connection with Shampur P.S. Case No. 63 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with a condition that in case in future if they will indulge in such type of activities, the informant shall be at liberty to file application for cancellation for their bail, and a further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J.)

Jyoti Kumari/-

U		T	
---	--	---	--