

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3526 of 2024

Arising Out of PS. Case No.-493 Year-2023 Thana- NOORSARAI District- Nalanda

1. Mukesh Kumar S/O Mahendra Yadav R/O Village-Gosai Bigha, P.S.-NOORSARAI, District-Nalanda
2. Chandan Kumar S/O Surendra Yadav @HAPPU Yadav R/O Village-Gosai Bigha, P.S.-NOORSARAI, District-Nalanda
3. Rohit Kumar @AJAY Kumar S/O Maheshwar Yadav R/O Village-Gosai Bigha, P.S.-NOORSARAI, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioners submits that the petitioner No. 1 has been arrested. Accordingly, he seeks permission to withdraw the present application.

4. Permission is accorded.

5. Accordingly, the present application of petitioner No. 1 is dismissed as withdrawn.



6. The petitioners are apprehending their arrest in connection with Noorsarai with P.S. Case No. 493 of 2023 dated 15.10.2023 registered for the offences punishable under Sections 147, 149, 323, 341, 307, 379, 354, 504 and 506 of the IPC.

7. As per the prosecution case, the petitioners and the co-accused persons came to house of the informant and started abusing and molesting the informant's mother and sister. When the informant's mother protested, the co-accused Kajju Kumar assaulted the informant's sister with an iron rod, causing injury and the co-accused Munchun Kumar assaulted the informant's mother with an iron rod, causing injury. Further, the petitioner Rohit Kumar and the co-accused Surendra Kumar tried to kidnap the informant's sister. On *hulla* by the informant's mother, the co-accused Lalu Kumar assaulted her with a brick and snatched ear-ring.

8. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner No. 2 has no criminal antecedent whereas the petitioner No. 3 is accused in two other criminal on which he is on bail in both the cases as stated in para 3 of the bail petition. Learned counsel has submitted that all the injuries are simple in



nature caused by hard and blunt substance. There was no intention for attempting to commit murder. No offence u/s 354 of the I.P.C is made out against the petitioners.

9. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners

10. Considering the aforesaid facts and circumstances of the case as well as the injuries being simple in nature, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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, Nalanda at Biharsharif in connection Noorsarai with P.S. Case No. 493 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

11. This application stands allowed.

(Chandra Prakash Singh, J)

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