

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79759 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- KAJRA District- Lakhisarai

1. Om Kumar, Male, aged about 26 years Son of Umesh Prasad @ Pappu Mandal.
2. Chhotu Kumar @ Ankit Kumar, Male, aged about 18 years, Son of Umesh Prasad @ Pappu Mandal.
Both residents of Village- Sahmalpur, P.S.- Kajra District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Kajra P.S. Case No. 78 of 2024 instituted for the offences punishable under Sections 126(2) 115(2) 303(2), 109, 352, 351(2) / 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the allegation against the petitioners are that they dragged the informant out from a shop and assaulted him by *lathi* and *rod*. It is also alleged that a golden chain and Rs. 25,000/- belonging to the informant was also snatched away by the accused persons.

4. Learned counsel for the petitioners submits that



petitioners are innocent have committed no offence and have falsely been implicated in this case. He submits that the allegation of theft is ornamental only to make out a case, the informant did not allege about any motive for causing the alleged occurrence and the injury to the informant is simple in nature and no case under Section 109 of the B.N.S. is made out against the petitioners. He further submits that there is case and counter case attributed between the parties. He next submits that petitioner no. 1 has got clean antecedent and petitioner no. 2 has got one criminal antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, injury report and the impugned order of the learned Sessions Judge, Lakhisarai dated 07.10.2024, it appears that on the basis of written report of the informant Vikash Kumar, FIR has been lodged under Sections 126(2) 115(2) 303(2), 109, 352, 351(2) / 3(5) of the Bhartiya Nyaya Sanhita, 2023 against both petitioners. It also appears that the allegation against the petitioners are that they assaulted informant Vikash Kumar and his friend Amarjeet Kumar by *Iron rod*. There is only one lacerated wound found on the forehead of the informant Vikash Kumar and Amarjeet Kumar. Petitioner no. 1 has got no



criminal antecedent as stated in para 3 of the petition, so considering all these aspects, let the petitioner no. 1 namely, Om Kumar, in the event of his arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Kajra P.S. Case No. 78 of 2024, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

7. However, the allegation levelled against petitioner no. 2, namely Chhotu Kumar @ Ankit Kumar, is that he has assaulted the informant and others causing injuries on vital part of the body coupled with the fact that he has got one criminal antecedent, so considering the serious nature of injury and criminal antecedent, I am not inclined to grant anticipatory bail to petitioner no. 2, namely Chhotu Kumar @ Ankit Kumar, accordingly the anticipatory bail of petitioner no. 2 namely Chhotu Kumar @ Ankit Kumar, is hereby rejected.

8. However, if the petitioner no. 2, namely, Chhotu Kumar @ Ankit Kumar surrenders before the trial Court within thirty days from the date of this order and prays for regular bail, the trial Court may consider his prayer for bail and pass



appropriate order on the same day, without being prejudiced by
this order, in accordance with law.

(Ramesh Chand Malviya, J)

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