

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21361 of 2018

Arising Out of PS.Case No. -220 Year- 2017 Thana -BAKHTIYARPUR District- PATNA

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1. Ram Shlok Rai son of Late Lakhan Rai
2. Jagarnath Rai son of Ram Shlok Rai
3. Anand Kumar son of Gauri Shankar Rai All residents of Chiraiya P.S.
Bakhtiyarpur, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-07-2018 Let the name of learned counsel Mr. Manoj Kumar Pandey be expunged in this case as he has given the NOC to the petitioner.

The petitioners are apprehending their arrest in connection with Bakhtiyarpur P.S. Case No. 220 of 2017, registered for offences punishable under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code.

Allegation against the petitioner no. 1 is of assault to one Yogendra Rai on his head by means of *garasa* and allegation against other petitioners is also of assault to the informant and others.

It has been submitted on behalf of the petitioners that the present case is the counter blast of the case lodged by the petitioners side i.e. Bakhtiyarpur P.S. Case No. 216/17 and the



informant and others only save their skin from the said case has filed this false and concocted case and although there is allegation against petitioner no. 1 of assaulting on the head of Yogendra Rai by means of *garasa* but the injury report has been procured after six months of the occurrence, which itself creates a doubt about the prosecution story and so far other petitioners i.e. petitioner nos. 1 and 2 are concerned no specific allegation has been attributed to them .

Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail on the ground that the injury sustained by the said Yogendra Rai was found to be grievous in nature.

Having heard both sides, considering the facts and circumstances of the case as well as the nature of injury inflicted by the petitioner no. 1 to the Yogendra Rai, I am not inclined to grant him the privilege of anticipatory bail rather he should surrender before the court below and pray for regular bail, which will be considered on the merit of the case.

So far other petitioners i.e. petitioner nos. 2 and 3 are concerned, it appears that no specific allegation has been attributed to them, as such, let the petitioner nos. 2 and 3 above, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of



a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Barh, Patna, in connection with Bakhtiyarpur P.S. Case No. 220 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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