

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71127 of 2018

Arising Out of PS. Case No.-463 Year-2018 Thana- BAKHTIYARPUR District- Patna

1. Rahul Kumar, son of Murari Rai
2. Vicky Kumar, son of Mahesh Rai
3. Vikas Kumar, son of Mahesh Rai
4. Shambhu Rai, son of Shobhit Rai
5. Mahesh Rai son of Ram Jatan Rai

All residents of Village- Naya Tola, Bariyarpur, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ashhar Mustafa, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 01-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 308 and 504 of the Indian Penal Code registered in connection with Bakhtiyarpur P.S. Case No. 463 of 2018.

3. It is submitted that the petitioners have been falsely implicated and specific accusation of assault with iron rod on the left arm of the informant's elder brother is upon petitioner no. 2 Vicky Kumar. The other specific accusation of assault by Katta blow on the forehead of the informant is upon co-accused Dharamvir Rai, who is not one of the petitioners in the present case. The accusations against the remaining petitioners are general and omnibus without specific injury being attributed individually. The injury said to have been sustained by the informant's elder brother attributed to the petitioner no. 2 is simple in nature.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition, submitting that the



petitioners have criminal antecedents. As a matter of fact, petitioner nos. 4 and 5 have been convicted under Sections 325 of the IPC by learned Additional Sessions Judge IV, Barh vide judgment dated 04.05.2007 in Bakhtiyarpur P.S. Case No. 411 of 1992.

5. Be that as it may, considering that the solitary injury resulted from the assault by petitioner no. 2 is simple in nature and the injury report therefore does not appear to corroborate the accusation of assault by the remaining petitioners, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh in connection with Bakhtiyarpur P.S. Case No. 463 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

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(Vikash Jain, J)

