

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75955 of 2019

Arising Out of PS. Case No.-211 Year-2018 Thana- RAJAPAKAR District- Vaishali

1. BIJENDRA RAM @ BIJINDRA RAM @ BIJENDRA DAS Son of Dhayani Ram Resident of Village - Andharwara, P.S. - Rajapakar (Baranti O.P.), District - Vaishali.
2. Arabind Ram Son of Dhayani Ram Resident of Village - Andharwara, P.S. - Rajapakar (Baranti O.P.), District - Vaishali.
3. Rajan Ram Son of Dhayani Ram Resident of Village - Andharwara, P.S. - Rajapakar (Baranti O.P.), District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners.

The petitioners in this case are seeking anticipatory bail in connection with Rajapakar P.S. Case No. 211 of 2018 registered for the offences punishable under Sections 341, 323, 324, 325, 354, 379, 307, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is inordinate delay in lodging the first information report before the Police. It is submitted that all the injuries received by the injured are simple except the fracture injury of Gulchan Ram and the informant which is not on the vital part of their body. Learned counsel for the petitioners submits there is counter version of the alleged occurrence also which led to registration



of Rajapakar P.S. Case No. 212 of 2018 by co-accused Arun Ram.

Considering the facts and circumstances of the case wherein there are specific allegations of repeated assault against Arabind Ram and Rajan Ram (petitioners no. 2 and 3), this Court is not inclined to grant privilege of anticipatory bail to them. Accordingly, their prayer for anticipatory bail is, thus, refused.

In case they surrender and pray for regular bail before the learned court below within a period of four weeks from today, their prayer for regular bails shall be considered on its own merit without being prejudiced by the present order.

So far as petitioner no. 1 is concerned, since there is no specific allegation of causing injury against them, and it is the submission of learned counsel for the petitioners that both the parties are agnate and lodged case and counter case against each other, let the petitioner no. 1 above named in case of his arrest or surrender within a period of four weeks from today in Rajapakar P.S. Case No. 211 of 2018 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VIII-cum-Sub-Judge XIV, Vaishali, Hajipur,



subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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