

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10227 of 2020

Arising Out of PS. Case No.-457 Year-2019 Thana- CIVIL LINE District- Gaya

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1. SANTOSH KUMAR S/o Late Rambriksh Prasad @ Rambriksha Sao
 2. Rahul Kumar S/o Raju Sao both R/o Mohalla- Bahaur Chaura, P.S.- Civil Lines, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-07-2020 This case has been heard through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 341, 504, 506, 379, 307, 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that at about 12 o'clock in the night, she had gone to temple, where the Bhandara was going on, in the meantime one Raju Sao come on a four wheeler along with Santosh Kumar, Anil Sao, Rahul Kumar, Mohit Kumar, Alok Kumar and 10-15 unknown persons came and assaulted the informant's husband



by giving blow iron rod. Further, Rahul Sao had hit her on her head by pistol. It has been further alleged that Santosh Kumar and Raju Sao started to hit the informant and her son by iron rod and the other persons had hit them by lathi. Further, Santosh Kumar snatched the gold chain from her and Rs.5,000/- was taken from the pocket of her husband by Mohit and Alok. Thereafter, the informant and her son were sent to the hospital for their treatment and then further to Magadh Medical College and Hospital, Gaya.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. He submits that the said occurrence took place on 07.10.2019 but FIR was lodged on 09.10.2019 and there is no explanation for this inordinate delay. He submits that the present case has been filed as a counter blast to one case filed by the co-accused person namely Santosh Kumar in which the members of the prosecution party are accused. It is further submitted that a bare perusal of the FIR would show that the specific allegation of assault has been made against co-accused namely Raju Sao and as far as the petitioners are concerned, a general and omnibus allegation has been levelled by the informant.

In the facts and circumstances of the case, let the



petitioner no. 1, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with G.R. No. 5299 of 2019 arising out of Civil Lines Police Station Case No. 457 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no. 2 namely Rahul Kumar is concerned, there is specific allegation of assault, I am not inclined to enlarge the petitioner no. 2 on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner no. 2 is rejected in connection with the aforesaid case.

However, petitioner no. 2 is directed to surrender before the learned court below and prayer for regular bail. The learned court below is directed to consider the bail application of the petitioner no. 2 on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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