

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8597 of 2020

Arising Out of PS. Case No.-330 Year-2019 Thana- KALYANPUR District- Samastipur

1. RANJIT @ RANJIT RAI Son of Rampukar Rai Resident of Village - RamBhadrapur, P.S.- Khalyanpur, District - Samastipur.
2. Sonu Kumar @ Chhotu Rai @ Sonu Kumar Rai Son of Rampukar Rai Resident of Village - RamBhadrapur, P.S.- Khalyanpur, District - Samastipur.
3. Rampukari Devi Wife of Rampukar Rai Resident of Village - RamBhadrapur, P.S.- Khalyanpur, District - Samastipur.
4. Vidhyanand Rai Son of Rampukar Rai Resident of Village - RamBhadrapur, P.S.- Khalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Ramchandra Singh, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Kalyanpur P.S. Case No. 330 of 2019, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 447, 504 and 34 of the Indian Penal Code.

The accusation against the petitioner no. 1 is of assaulting Arjun Rai (informant) by khanti. The petitioner no. 4 has been alleged to have assaulted Lalu Rai and Nand Kishore Rai by rod. As far as petitioners no. 2 and 3 are concerned, a general



and omnibus allegation has been levelled as against them.

The learned counsel for petitioners has submitted that the petitioners have been falsely implicated in the present case and the injuries found on the person of the injured have though been stated to be grievous in nature by the Doctor in question, however, it has been further added therein that the grievous injury is likely to be simple, as such, it is submitted that benefit of doubt can be given to the petitioners for the purposes of grant of anticipatory bail. Upon sensing the concern of this Court, the learned counsel for the petitioners has thought it proper to withdraw the present anticipatory bail petition qua the petitioners no. 1 and 4.

Accordingly, the present anticipatory bail petition qua the petitioners no. 1 and 4 stands dismissed as withdrawn, however, with liberty to them to surrender before the learned court below.

It is further directed that in case, the petitioners no. 1 and 4 surrender before the learned court below within a period of four weeks from today, the learned court below shall consider their case for grant of regular bail and pass appropriate orders on the very same day of filing of such regular bail petition.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having considered the facts and circumstances of the case and considering the fact that a general and omnibus allegation has been levelled against the petitioners no. 2 and 3, I deem it fit and proper to admit the petitioners no. 2 and 3 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 2 and 3 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 330 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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