

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76527 of 2019

Arising Out of PS. Case No.-219 Year-2019 Thana- RAFIGANJ District- Aurangabad

1. SAURABH KUMAR Son of Mritunjay Singh Resident of Village - Gothani P.S. - Rafiganj, Distt- Aurangabad (Bihar).
2. Satyam Kumar Son of Mithlesh Singh Resident of Village - Gothani P.S. - Rafiganj, Distt- Aurangabad (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Rafiganj P.S. Case No. 219/2019 registered under Sections 341, 323, 324, 307, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation against the petitioners is of giving sword blow on the head of the informant. Learned counsel further submits that petitioners have been falsely implicated in this case as the injuries sustained by the informant are simple in nature and further submits that petitioners have got no



criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners submits that the medical examination report of the informant supports the allegation against petitioner no. 1 who is said to have assaulted on the head of the informant by Sword.

Considering the facts and circumstances of the case wherein the medical examination report of the informant supports the allegation against petitioner no. 1 who is said to have assaulted on the head of the informant by Sword, I am not inclined to grant privilege of anticipatory bail to petitioner no. 1.

prayer for anticipatory bail of petitioner no. 1 is, thus, refused.

In case, petitioner no. 1 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the orders of this court.

So far as petitioner no. 2 is concerned, the informant has alleged that he had assaulted by iron rod



causing third injury on his head but the medical examination report does not show the third injury on the head of the informant and learned A.P.P. for the State also agrees with this fact that the injury report does not support that part of allegation against petitioner no. 2, let in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner no. 2 be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Rafiganj P.S. Case No. 219/2019, subject to condition 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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