

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39803 of 2020**

Arising Out of PS. Case No.-162 Year-2020 Thana- GHOSI District- Jehanabad

1. Rakesh Kumar @ Rakesh, (Male), aged about 32 years, S/O Late Amirak Prasad, R/O Village-Naima Katharper, P.S-Ghosi (OKARI O.P), District-Jehanabad.
2. Dhananjay Kumar, (Male), aged about 28 years, S/O Late Amirak Prasad, R/O Village-Naima Katharper, P.S-Ghosi (Okari O.P), District-Jehanabad.
3. Satendra Prasad, (Male), aged about 37 years, S/O Late Amirak Prasad, R/O Village-Naima Katharper, P.S-Ghosi (Okari O.P), District-Jehanabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Santosh Kumar, Advocate.  
For the Opposite Party : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      09-08-2021      Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in connection with Ghosi P.S. Case No. 162/2020 for the offence registered under Sections 341, 323, 307, 354, 379, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 23.04.2020 at about 04.40 P.M., the informant's son, namely, Ravish Kumar, was playing with boys of the village and some altercation took



place amongst them and one boy Piyush Kumar assaulted the informant's son who disclosed the facts to the informant and his family members. It is further alleged that when the informant went to complain to Rakesh Kumar (petitioner no. 1) then he started abusing and when the same was protested, the petitioners besides co-accused persons began to assault with Lathi and Danda. It is further alleged that Rakesh Kumar (petitioner no. 1) assaulted with Lathi on the head of the informant, as a result of which, the victim sustained head injury and the informant's daughter Bibha Kumari and Soni Kumari also sustained head injuries and they became senseless. It is further alleged that co-accused Sunita Devi and Lalita Devi snatched ear-ring of both the daughters and they have assaulted mercilessly the informant and his family members.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. As far as petitioner nos. 2 and 3 are concerned, general and omnibus allegation has been made against them. No specific overt act is alleged against them. As far as petitioner no. 1 is concerned, he is alleged to have assaulted the informant and



his daughters. Injury of the daughters of the informant is said to be simple.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. It is further submitted that from perusal of the order of the learned Sessions Court, it appears that one of the injuries sustained by the informant is said to be grievous in nature.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no. 1, namely, Rakesh Kumar @ Rakesh. The same is rejected in connection with Ghosi P.S. Case No. 162/2020, pending in the court of learned Chief Judicial Magistrate, Jehanabad.

If the petitioner no. 1, namely, Rakesh Kumar, surrenders in the learned court below and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

Let the petitioner nos. 2 and 3 above named, (except petitioner no. 1, namely, Rakesh Kumar) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Ghosi P.S.



Case No. 162/2020, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 2  
and 3 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten  
Thousand) only each with two sureties of the like amount each  
within a period of eight weeks to the satisfaction of the court  
concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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