

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8198 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- AWTARNAGAR District- Saran

Rahul Kumar Son Of Late Ravi Shankar Rai Resident Of Village - Fatapur
Chan, Police Station - Awatar Nagar, District - Saran At Chapra.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Awatar Nagar P.S. Case No. 165 of 2020 registered for the offences punishable under Sections 341, 323, 325, 324, 307, 379, 427, 504 and 34 of the Indian Penal Code. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant's brother runs a Customer Service Centre for Fifo Payment Bank where on 13.06.2020 at about 3:00 p.m. his villager Babu Nand Rai came for withdrawal of money but due to failure of link the money could not be withdrawn for which a complaint was lodged before the customer



care. It is further alleged that on 05.07.2020 at about 6:00 p.m. while the informant was at Vasudha Kendra, Nawal Rai and Rahul Kumar (petitioner) came having iron rod in their hands and by hurling abuses Nawal Rai gave iron rod blow on the informant which caused injury in his right hand as a result thereof he fell down then Rahul Kumar, the petitioner, assaulted on his leg by iron rod, thereafter, they damaged the laptop and took away Rs. 25000/- kept in the counter. 14

Learned counsel for the petitioner submits that the elder brother of the informant had used the aadhar card and thumb impression of Babu Nand Rai (father of co-accused Nawal Rai) and had withdrawn Rs.31,110/- but in order to save the neck of his brother the informant has filed this instant case with false and frivolous allegation. It is further submitted that the allegation against this petitioner that he had assaulted the informant on his leg has not been supported by any injury report.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the submissions that in fact the elder brother of the informant had used the aadhar card and thumb impression of Babu Nand Rai (father of co-accused Nawal Rai) and had withdrawn Rs.31,110/- but in order to save the neck of his brother the informant has filed the instant case with false and



frivolous allegation, the submission that the allegation against this petitioner that he had assaulted the informant on his leg is not supported by any injury report and that this petitioner has no criminal antecedent, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Awtarnagar P.S. Case No. 165 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

