

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3918 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- AHYAPUR District- Muzaffarpur

1. JITENDRA RAI S/o Late Pradeep Rai Resident of Village- Sivrahan Basudev, P.S.- Ahiyapur, District- Muzaffarpur.
2. GAURAV KUMAR S/o Jitendra Rai Resident of Village- Sivrahan Basudev, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on account of dispute relating to children, the present occurrence took place in which petitioner no.1 assaulted the informant by way of *khanti* and thereafter it is alleged that on his order, petitioner no.2 assaulted the informant by means of *farsa* causing cut injury on his head and when his wife came to



save him, she was also assaulted.

Learned counsel for the petitioners submits that the present occurrence took place on account of a trivial issue relating to dispute between the children and the informant in his restatement before police has specifically stated that when he was assaulted by petitioner no.1, he warded off the assault by his hand, it is next submitted that as far as allegation on petitioner no.2 assaulting the informant with *farsa* on his head is concerned, the same gets belied by the injury report as the injury report records that the wound is a lacerated on head but is grievous, it is next submitted that petitioner no.2 is a young boy of 19 years of age and his entire career would be jeopardized in the event if he is sent to jail. It is further submitted by the learned counsel that even presuming what is alleged is true, without admitting for the purposes of anticipatory bail, then also the occurrence is alleged to have taken place on account of dispute between children, further the petitioners are not criminals and the assault was not repeated as such they had no intention to commit a serious offence like killing.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ahiyapur P.S. Case No. 142 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a condition that one of the bailors of the petitioner no.2 shall be his close relative for which the petitioner no.2 will furnish a genealogical table duly certified by the Circle Officer stating as to how the person who is claiming to be a close relative is related to him.

(Satyavrat Verma, J)

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