

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15259 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- MANER District- Patna

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1. SHARDA RAI S/o Late Punit Rai R/o- Tata Colony, P.S.- Maner, District- Patna.
 2. Bhim Rai S/o Late Punit Rai R/o- Tata Colony, P.S.- Maner, District- Patna.
 3. Sipahi Rai S/o Late Punit Rai R/o- Tata Colony, P.S.- Maner, District- Patna.
 4. Sheovaran Rai S/o Late Punit Rai R/o- Tata Colony, P.S.- Maner, District- Patna.
 5. Bhanu Kumar S/o Bhim Rai R/o- Tata Colony, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

Mr. Uday Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

8 30-11-2022 By order dated 10.03.2022, prayer for anticipatory bail with respect to petitioner no. 1 Sharda Rai has already been dismissed as withdrawn.

Heard learned counsel for the petitioners no. 2 to 4 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners no. 2 to 4 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 325, 379 and 307 of the Indian Penal Code.

Learned counsel for the petitioners no. 2 to 4 submits



that petitioners no. 2 to 4 are persons with clean antecedent.

The informant alleges that the accused persons including the petitioners no. 2 to 4 on 10.04.2019 came to his house, Praveen Kumar and Jitendra Kumar assaulted him with lathi causing injury on his head and thereafter the other accused persons also assaulted and snatched chain and took cash from the house. It is further alleged that on account of assault, he was taken to the PHC from where he was referred to the PMCH for treatment and when he came to PMCH he came to know that the accused persons had earlier assaulted his brother at the block office and thereafter they had come to his house and assaulted him.

Learned counsel for the petitioners no. 2 to 4 submits that petitioners no. 2 to 4 have been falsely implicated in the present case. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegation of assault is against Praveen Kumar and Ranjeet Kumar. As far as petitioners no. 2 to 4 are concerned, the allegation against them is general and omnibus in nature and so far as allegation of the informant that his brother was also assaulted earlier by the accused persons, who are being treated at PMCH, is alleged, the same does not inspire confidence for



the reason that if any occurrence had taken place prior to the occurrence of assault to the informant then definitely his brother would have instituted an FIR.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners no. 2 to 4 but are not able to meet the submission of the learned counsel for the petitioners no. 2 to 4 that the allegation against the petitioners no. 2 to 4 is general and omnibus in nature.

Considering the submissions made by the learned counsel for the petitioners no. 2 to 4, the petitioners no. 2 to 4 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 Maner P.S. Case No. 40 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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