

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18242 of 2021

Arising Out of PS. Case No.-362 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Rahul Rai S/O Harendra Rai R/O Khalpura Bala, P.S.- Chhapra Muffasil, District- Saran.
2. Vicky Rai S/O Harendra Rai R/O Khalpura Bala, P.S.- Chhapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.S.S.P. Yadav, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Pramod Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 28-04-2022 A supplementary affidavit has been filed across the

Board.

Let it be taken on record.

Heard Mr. S.S.P. Yadav, learned advocate for the
petitioners and Mr. Pramod Pandey for the Informant.

The State is represented by Mr. Suresh Prasad Singh.

The petitioners seek bail in anticipation of their arrest
in connection with Chhapra Muffasil P.S. Case No. 362 of 2020
dated 14.08.2020 instituted for the offences under Sections
147/323/307/302 of the Indian Penal Code and Section 27 of the
Arms Act.

Ten persons are said to have assaulted the deceased



and two other persons who have been injured but, the accusation of assault on the deceased is not on these two petitioners. In fact the petitioners are only alleged to have assaulted one of the injured persons of this case who has testified before the Investigator that he had been assaulted by the petitioners.

Learned counsel for the petitioners therefore submits that in absence of any specific accusation against them of having assaulted the deceased, the offence under Section 302 of the I.P.C. cannot be said to have made out specially for the purpose of consideration for grant of anticipatory bail. He has further submitted that the petitioners have been named in this case because of village rivalry and that they are students, one of whom is shortly to get married.

As opposed to the aforesaid contention, learned counsel for the Informant has drawn attention of this Court to the fact that out of two other persons apart from the deceased who have been injured, one of them has been assaulted by the petitioners. Thus, the presence of the petitioners at the place of occurrence stands proved, at least for the purposes of rejecting the prayer for anticipatory bail.

Considering the fact that the petitioners have taken part in the assault which has led to injury on one of the injured



persons, I am not inclined to granted anticipatory bail to them, notwithstanding the fact that there is no specific accusation against them assaulting the deceased in any manner.

The prayer for grant of anticipatory bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the court below and seek bail, their application shall be considered on its own merits without being prejudiced by the fact that the present petition filed on their behalf has not been entertained by this Court and that they are the persons of clean antecedents.

(Ashutosh Kumar, J)

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