

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7862 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- PARSA District- Saran

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KUNAL KUMAR S/O JAI RAM RAI RESIDENT OF VILLAGE- MARAR,
P.S.- PARSA, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Anish Chandra, Advocate
For the Opposite Party/s :	Mr. Vinod Shanker Modi, APP
For the Informant :	Mr. Shubhesh Pandey, Advocate
	Mr. Neeraj Kumar Painali, Advocate
	Mr. Suraj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2022 Heard learned senior counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 and 325 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy of 20 years of age and is a student and the informant alleges that on order of Hari Ram Rai, accused Jai Ram Rai assaulted with *farsa* on the head of the father of the informant grievously injuring him and thereafter again



assaulted him with iron rod causing injury and on halla the informant, his younger brother Birendra Kumar and his grandfather came to rescue, thereafter Dinesh Rai assaulted the informant's grandfather with iron rod causing fracture of both legs It is next alleged that Arjun Rai assaulted the brother of the informant with lathi causing injury on his head and when all fell down it is alleged that all the accused persons assaulted them.

Learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that apart from name of the petitioner in the fardbyan no allegation has been alleged against him, it is next submitted that allegation of assault is specific against the accused persons, it is also submitted that petitioner is not alleged to have even touched any of the injured or the victim who died subsequently, it is also submitted that petitioner is a student and is a young boy aged about 20 years and ,in the event, if he sent to jail in the nature of allegation as alleged in the FIR his entire career would get jeopardized and he will also come in company of hardened criminals

After hearing, the learned senior counsel for the petitioner the Court was persuaded to grant anticipatory bail



to the petitioner but then the learned counsel for the informant appeared and relied on an order dated 18.07.2022 passed in Cr. Misc. No. 63746 of 2021 (Vinod Rai vs The State of Bihar) and submitted that even Vinod Rai was similarly situated like petitioner and his bail application was withdrawn by the learned senior counsel appearing on his behalf and he was given liberty to surrender with an observation that, in the event, if he surrenders on a particular date and files his regular bail the learned court shall dispose of the case on the same day, considering the fact that no overt act has been alleged against the petitioner (Vinod Rai), the learned counsel thus submits that though the Court had disclosed its mind for granting anticipatory bail to the petitioner but still for sake of parity the same order be passed in case of the present petitioner also.

At this stage, the learned senior counsel after hearing the learned counsel for the informant very fairly submits that he also seeks permission to withdraw the anticipatory bail application with liberty to the petitioner to surrender in the learned trial court.

Permission is accorded.

In the even, if the petitioner surrenders before the



trial court on or before 22.09.2022, the learned trial court shall dispose of the case on the same day keeping in mind the fact and the observations made by this Court hereinabove.

(Satyavrat Verma, J)

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