

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9373 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RAJAPAKAR District- Vaishali

1. ARYAN KUMAR @ DINESH KUMAR SON OF RAJ KARAN SINGH R/O VILLAGE- RAJAPAKAR WEST, P.S.- RAJAPAKAR, DISTRICT- VAISHALI
2. RAJ KARAN SINGH SON OF JAWAHAR SINGH R/O VILLAGE- RAJAPAKAR WEST, P.S.- RAJAPAKAR, DISTRICT- VAISHALI
3. ASHOK KUMAR SINGH @ PAPPU SON OF JAWAHAR SINGH R/O VILLAGE- RAJAPAKAR WEST, P.S.- RAJAPAKAR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishal Saurabh
For the Opposite Party/s	:	Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Rajapakar P.S. Case no. 297 of 2021 instituted for the offence punishable under Sections 147, 341, 323, 302, 379 and 506 of the Indian Penal Code.

As per allegation in the FIR, while the informant's father, namely Kusheshwar Singh was returning after casting his vote from booth, near Durga temple, all FIR named accused persons surrounded him and started to assault him brutally with iron



rod and danda. In the way to hospital, he succumbed to injuries. It is further alleged that when his family members came there to rescue him, they were also beaten up by the accused persons.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. General and omnibus allegations have been levelled against the petitioners for assaulting him by fist and leg. They have got no criminal antecedent. Informant is not an eye witness of the present incident. Specific allegation is against co-accused Jai Chandra Singh and Shivchandra Singh, who have assaulted informant's father with iron rod and co-accused Birchandra Singh and Sunil Kumar have assaulted him by lathi and danda as a result of which he died.

Learned APP appearing for the State has opposed the prayer of bail and submitted that informant's father died due to internal injuries by assault. From perusal of the case diary, it appears that postmortem report is not annexed with the case diary but in para 64 of the supervision report of police officials, it is mentioned that cause of death due to above said injuries.

Having heard learned counsel for the parties and considering the fact that specific allegation of assault is not against the petitioners, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within



a period of four weeks from today and in the event of their arrest or surrender in connection with Rajapakar P.S. Case no. 297 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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