

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9634 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- UJIYARPUR District- Samastipur

1. LAGAN RAI @ RAM LAGAN RAI SON OF LATE YOGENDRA RAI
R/O VILLAGE- RAMNAGAR, P.O.- BELAMEGH, P.S.- UJIARPUR,
DISTRICT- SAMASTIPUR
2. SANJEEV KUMAR RAI @ SANJEEV KUMAR SON OF LAGAN RAI @
RAM LAGAN RAI R/O VILLAGE- RAMNAGAR, P.O.- BELAMEGH,
P.S.- UJIARPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pramod Kumar Singh, Adv.
For the Opposite Party/s :	Mr.Madan Kumar, APP
	Mr.Alok Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners, learned counsel
for the informant and learned Additional Public Prosecutor for
the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners
seeks permission to withdraw the prayer for anticipatory bail of
the petitioner no.1 as he has been arrested by the police, during
pendency of this application.



Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard on the prayer of grant of anticipatory bail of petitioner no.2 only.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 354, 307, 379, 504, 506, 34 of the Indian Penal Code.

Allegedly, the FIR named accused persons including the petitioner have assaulted the informant by means of lathi, rod, khanti etc. Petitioner no.2 also assaulted the husband of the informant by means of Khanti on his head, causing injury.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to prior enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The allegation against him is to assault the informant's husband by means of Khanti but the injury sustained by him is simple in nature. It is submitted that for the alleged occurrence, there is a case and counter-case



between the parties. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that the injury is on the vital part of the body.

Having regard to the facts and circumstances of the case, considering that the injury is simple in nature, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Ujiarpur P.S. Case No.326 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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