

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13432 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- JAYNAGAR District- Madhubani

1. RANJEET KUMAR MAHASETH @ RANJIT MAHASETH SON OF DEEPAK MAHASETH R/O VILLAGE- JAINAGAR SUBASH CHOWK, P.S.- JAYNAGAR, DISTRICT- MADHUBANI
2. ABHINAY KUMAR SINGH @ ABHINAY SINGH SON OF SURESH SINGH @ SURESH KUMAR SINGH R/O VILLAGE- JAINAGAR BASTI, RAJPUTANI TOLA, P.S.- JAYNAGAR, DISTRICT- MADHUBANI
3. VINAY KUMAR SINGH @ VINAY SINGH SON OF SURESH SINGH @ SURESH KUMAR SINGH R/O VILLAGE- JAINAGAR BASTI, RAJPUTANI TOLA, P.S.- JAYNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through the virtual Court proceedings.

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

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 379, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioner no. 2 has antecedent of one case and petitioner no. 1
and 3 are persons with clean antecedent and are students of
Intermediate and B.A. studying in D.B. College, Jaynagar,



Madhubani.

The informant alleges that on 13.10.2021, at about 02:00 p.m., the accused persons including the petitioners came to his shop and after having lunch the accused persons were talking to each other in abusive language to which the informant objected, on which the accused persons dragged the staff of the informant by tying a towel around his neck and thereafter petitioner no. 3 assaulted the informant with knife on his back, head and thigh and even damaged his mobile. Further, petitioner no. 2 assaulted another staff of the informant with knife causing injury on his lower chest and abdomen and petitioner no. 1 snatched gold chain from the informant worth Rs.54,000/- and further threatened to kill him if a case is lodged.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case as from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is said to have taken place at 02:00 p.m. on 13.10.2021 but from perusal of the injury report, it would manifest that the same records that the injured were examined at 01:55 p.m. on 13.10.2021 and the injuries were found simple in nature and were within six hours, as such, learned counsel submits that if the occurrence itself had taken



place at 02:00 p.m. how come the injury report was prepared at 01:55 p.m. on 13.10.2021. This creates a doubt with regard to the veracity of the allegation as alleged in the FIR.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the said discrepancy might have arisen as the informant may not have stated the correct time in the FIR but the Doctor has found injuries on the injured and if there would have been any manipulation then the Doctor would not have recorded 01.55 p.m. in the injury report. He further submits that though it is pleaded that petitioners are students but their conduct does not reflect that they are serious students rather they appear to be lumpen elements who at the drop of a hat can assault and that too with knife without realizing the consequences.

Learned counsel for the petitioners at this stage submits that no doubt the petitioners have committed an offence but then there is a defence too and if the petitioners will be sent to jail then their entire career would be jeopardized.

Learned A.P.P. for the State rebuts the submission of the learned counsel for the petitioners and submits that from perusal of the cause title, it would manifest that petitioner no. 1 is aged about 29 years, petitioner no. 2 is aged about 30 years



and petitioner no. 3 is aged about 32 years, as such, it cannot be presumed that petitioners are student of Intermediate and B.A. He further submits that no documentary evidence on record has been brought to substantiate the said fact.

Learned counsel for the petitioners submits that since in the FIR the age of the petitioners was recorded as aforesaid, as such, the said age has been recorded in the cause title.

Considering the submissions made by the learned counsel for the petitioners, the petitioners 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.25,000/- (Rupees Twenty-five 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 Jaynagar P.S. Case No. 283 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors shall be their respective fathers Deepak Mahaseth and Suresh Singh alias Suresh Kumar Singh. Further the learned court below before accepting the bail bond of the petitioners shall verify the credentials of the petitioners that they are students and presently studying based on their



certificate and the petitioners will also submit a certificate issued by the Principal of the College that they are studying in the College. In the event, if such documents are not brought on the record by the petitioners then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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