

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24997 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

SUNNY KUMAR SON OF MANOJ RAY Resident of Village- Rahimpur,
Rudauli, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

For the Informant : Mr. Sujit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

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

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 447, 448,
341, 323, 354, 324, 427, 504 and 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that her minor daughter was
inside her home when co-accused Sangam Kumar entered into
her house and made an attempt of committing rape upon her and
on hearing alarm the informant and her other relatives came



there then the petitioner and other co-accused persons arrived at the spot and they were equipped with weapons and thereafter they started assaulting the informant's husband and during the course of treatment he died.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case being brother of Sangam Kumar. It is further submitted that Sangam Kumar and the victim are related but then this relationship has been concealed in the FIR, rather an impression has been created that Sangam Kumar forcefully entered the house of the informant for committing rape of the minor victim. It is next submitted that during the course of investigation, the statement of the father and brother of the deceased was recorded wherein they have stated that the dispute arose because of falling of water at their door when Sangam Kumar came and started assaulting the victim on which the deceased protested and there was an altercation and thereafter all the accused persons came and assaulted the deceased leading to his death. It is also submitted that from perusal of the postmortem report, it would manifest that there is only one injury on the deceased when allegation of assault by so many accused persons. It is further submitted that petitioner is a young boy, aged about 20 years



and is a person with clean antecedent and the purpose of arrest is not to punish but to ensure that the investigation of the case is not hampered. It is next submitted that the petitioner stays at Patna and will furnish his address to the Investigating Officer of the case and will also cooperate in the investigation and will appear as and when required by the Investigation Officer so that the truth comes out. It is also submitted that in the event, if the petitioner is sent to custody his entire career would be jeopardized and chances are bright that he may come in contact with the hardened criminals when in the FIR, the allegation of assault is general and omnibus in nature.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that allegation of assault is general and omnibus in nature and there is only one injury in the postmortem report of the deceased.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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.10,000/-



(Rupees Ten 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 Samastipur Mufassil P.S. Case No. 463 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not appearing when called, the learned trial court, after giving an opportunity of hearing to the petitioner, shall pass order in accordance with law and shall have liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned police station.

(Satyavrat Verma, J)

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