

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35686 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- KAMTAUL District- Darbhanga

CHANDAN KUMAR RAI, aged about 28 years, Gender-Male, S/O -
Kamendra Rai, Resident of - Village - RAghauli, P.S. Bisfi, District -
Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saroj Kumar, Advocate
For the Opposite Party : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Kamtaul P.S. Case No. 40 of 2020 for the offence
registered under Sections 341, 323, 324, 325, 307, 379, 504 and
506/34 of the I.P.C.

The prosecution story, in brief, is that on 19.02.2020
at about 10.00 A.M., while the informant alongwith his friend
was going to Kamtaul Bazar, in the meantime, near the T.V.S.
Agency, he stopped one Chandan Kumar Rai (petitioner) and



asked to him about abusive languages uttered against him in the last night on his Mobile Phone, on which, one Shiv Shakti Thakur alongwith others standing there, ordered to kill the informant, on which, Chandan Kumar (petitioner) armed with an Iron rod gave blow on the head of the informant which caused injury above the right eye of the informant and also assaulted him with Lathi. When Gautam Kumar came to rescue him he was also assaulted by Shiv Shakti Thakur. Thereafter, Chandan Kumar (petitioner) also assaulted one Ankur Kumar by rod. Shiv Shakti Thakur has also snatched golden chain from the neck of the informant and also snatched his Motorcycle. Chandan Kumar (petitioner) has also taken cash of Rs. 3,000/- from the pocket of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 J.M. Ist Class, Darbhanga, in connection with Kamtaul P.S. Case No. 40 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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