

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38747 of 2021**

Arising Out of PS. Case No.-687 Year-2019 Thana- NAUBATPUR District- Patna

1. RAM KUMAR @ RAMU KUMAR Son of Awadhesh Ravidas Resident of Village - Bahuara, P.S.- Naubatpur, District - Patna.
2. Randhir Ravidas @ Randhir Kumar Son of Awadhesh Ravidas Resident of Village - Bahuara, P.S.- Naubatpur, District - Patna.
3. Awadhesh Ravidas Son of Late Shanichar Ravidas Resident of Village - Bahuara, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr Nand Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-05-2022 At the outset, it is submitted that petitioner No 2
Randhir Ravidas @ Randhir Kumar has already been arrested.
The anticipatory bail application on his behalf has, thus, become
infructuous and is, accordingly, dismissed.

Heard learned counsel for petitioners No 1 and 3 and
learned Additional Public Prosecutor (for brevity, APP)
appearing for the State of Bihar.

Petitioners No 1 and 3 apprehend arrest in Naubatpur
Police Station (for brevity, PS) Case No 687 of 2019 registered
for the offence punishable under Sections 341, 323, 307, 504,
506/34 of Indian Penal Code.



As per the written application submitted by the informant, the petitioners along with others have mercilessly assaulted the informant causing injury on his head. Family members of the informant, who have come to the rescue, were also assaulted.

Learned counsel for petitioners No 1 and 3 submits that in so far as petitioners No 1 and 3 are concerned, it is a false case. Co-accused, namely, Mantu Kumar, who had taken the duty of discharging the works under the *Nal Jal Yojana*, was having a dispute with the prosecution party and the First Information Report has been lodged as a result of such dispute between the prosecution party and co-accused Mantu Kumar. In fact, co-accused Mantu Kumar and Randhir Ravidas are the perpetrators who have assaulted the informant. Petitioners No 1 and 3 have been dragged in this prosecution merely because of their friendly relations with the said two co-accused persons. They have no criminal antecedent and are apprehending their arrest under the aforesaid circumstances.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that co-accused Mantu Kumar had agreed to discharge the works, the dispute was between Mantu Kumar and prosecution parties; and



the clean antecedents of instant petitioner No 1 Ram Kumar @ Ramu Kumar and petitioner No 3 Awadhesh Ravidas, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by petitioners No 1 and 3's counsel. Prayer for bail is allowed. Let petitioner No 1 Ram Kumar @ Ramu Kumar and petitioner No 3 Awadhesh Ravidas, above named, in the event of their arrest or surrender within four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Danapur in Naubatpur PS Case No 687 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of petitioners No 1 and 3 who will give an affidavit giving genealogy as to how he is related with petitioners No 1 and 3. The bailor will also undertake to inform the Court if there is any change in the address of petitioners No 1 and 3.

(ii) That petitioners No 1 and 3 will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.



Learned counsel for petitioners No 1 and 3 is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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