

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38479 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- MADHUBAN District- East Champaran

BHUSHAN KUMAR @ BHUSHAN RAY S/o Late Punyadeo Ray Resident
of Village- Rupni, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39946 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- MADHUBAN District- East Champaran

1. RANJIT KUMAR @ RANJEET KUMAR Son of Madan Rai Resident of Village- Rupni,, P.S.- Madhuban, Dist- East Champaran at Motihari
2. Ravi Kumar Son of Chandrika Rai Resident of Village- Rupni,, P.S.- Madhuban, Dist- East Champaran at Motihari
3. Raj Kishore Rai Son of Late Shankar Rai Resident of Village- Rupni,, P.S.- Madhuban, Dist- East Champaran at Motihari
4. Umesh Rai Son of Ramashish Rai Resident of village- Rupani, P.S.- Madhuban, District- East Champaran
5. Manjay Rai Son of Late Rajendra Rai Resident of village- Rupani, P.S.- Madhuban, District- East Champaran
6. Sujit Thakur Son of Naresh Thakur Resident of village- Rupani, P.S.- Madhuban, District- East Champaran
7. Mukesh Rai Son of Jogindra Rai Resident of village- Rupani, P.S.- Madhuban, District- East Champaran
8. Kamlesh Kumar @ Kamlesh Yadav Son of Bhagnarayan Rai Resident of village- Rupani, P.S.- Madhuban, District- East Champaran
9. Chintu Rai @ Pintu Rai Son of Ramji Rai Resident of village- Rupani, P.S.- Madhuban, District- East Champaran
10. Shambhu Bhagat Son of Jugal Bhagat Resident of village- Rupani, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38479 of 2022)

For the Petitioner/s : Mr. Anil Kumar, Advocate



For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 39946 of 2022)
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 **CRIMINAL MISCELLANEOUS No.38479 of 2022**

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 188,
171(F), 341, 342, 323, 324, 307, 353, 504 and 506 of the Indian
Penal Code.

The informant alleges that when he requested the
accused persons not to assemble near the polling booth, the
accused persons including the petitioner assaulted the police
force and petitioner assaulted Constable Rabish Kumar by lathi
causing injury on head.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case, it is next submitted that even the
injury suffered by the injured is simple in nature.

Learned A.P.P. for the State opposes the prayer for
anticipatory bail of the petitioner and submits that no doubt the
injuries suffered is simple but then the act of the petitioner is



such that it does not warrant the privilege of anticipatory bail as he has assaulted a Constable who was discharging his duty leading to injury on his head.

Considering the submissions made by the learned A.P.P. the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

CRIMINAL MISCELLANEOUS No. 39946 of 2022

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 188, 171(F), 341, 342, 323, 324, 307, 353, 504 and 506 of the Indian Penal Code.

The informant alleges that when he requested the accused persons not to assemble near the polling booth, the accused persons including the petitioners assaulted the police force and Bhushan Kumar assaulted Constable Rabish Kumar by lathi causing injury on head.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would



manifest that specific allegation of assault is against Bhushan Kumar and the allegation against the petitioners of assault is general and omnibus in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court 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 trial court where the case is pending/successor court in connection with Madhuban P.S. Case No. 333 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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