

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38569 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. SUKOMAL PANDIT Son of Ramanuj Pandit Resident of Village- Musapur, P.s.- Sarairanjan (Ghataho O.P.) District- Samastipur
2. Arvind Ray Son of Kokil Ray Resident of Village- Musapur, P.s.- Sarairanjan (Ghataho O.P.) District- Samastipur
3. Ankit Mahto Son of Ashok Mahto Resident of Village- Musapur, P.s.- Sarairanjan (Ghataho O.P.) District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Kumar Praveen, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.3.

Permission is accorded.

The petitioner nos. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 325, 307, 379, 427, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that



petitioner no. 1 has antecedent of 10 cases, petitioner no. 2 is a person with clean antecedent, it is also submitted that there may be a possibility that some more cases might have been instituted from the side of the informant against petitioner no. 1 of which petitioner no. 1 presently does not have any knowledge as on account of dispute relating to election of *Mukhiya* since 2006, the petitioner and the informant sides are at loggerheads and are instituting most of the cases against each other.

The informant alleges that on orders of Ramanuj his son (petitioner no.1) assaulted repeatedly by *khutta* causing injury on head and below right eye and Ashok along with Shravan assaulted by an iron rod causing injury on hand and back.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that after the father of petitioner no.1 defeated the side of the informant in *Mukhia* election, a dispute arose and on account of which cases after cases have been instituted from both sides, it is also submitted that from perusal of the injury report it would manifest that the injury is simple in nature which amply demonstrates that the petitioners never had any intention of committing a serious occurrence. Learned counsel submits



that petitioners are not criminals but have been made a criminal as many cases have been instituted against them and all the cases pertain to only one police station, it is further submitted that petitioners undertake that they will cooperate in the investigation and will not run away and will present themselves as and when called by the Investigation Officer of the case during the course of investigation.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that the injury suffered by the injured is simple in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1 and 2, 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. 10,000/- (Rupees Ten 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 Sarairanjan P.S. Case No. 29 of 2022 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 petitioners despite giving assurance to this Court are not cooperating in the investigation or are not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioners shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioners.

Further, if the police after investigation submits charge-sheet and the learned trial court comes to a *prima-facie* conclusion that petitioners are trying to delay the trial then also the learned trial court shall be at liberty to pass orders in accordance with law including canceling the bail bonds of the petitioners.

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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