

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38990 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- PARAIYA District- Gaya

1. MUKESH KUMAR @ CHHOTU KUMAR Son of Surendra Singh Resident of Village - Parsawan , P.S.- Paraiya, Distt.- Gaya.
2. Rajnish Kumar @ Tinku Kumar Son of Surendra Singh Resident of Village - Parsawan , P.S.- Paraiya, Distt.- Gaya.
3. Deepak Kumar Son of Ramsharekh Singh Resident of Village - Parsawan , P.S.- Paraiya, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar, Advocate  
For the Opposite Party/s : Mr. Rita Verma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      06-12-2022                      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, 148, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

Learned counsel submits that petitioner No. 1 has antecedent of two cases, petitioner No. 2 has antecedent of four cases and petitioner No. 3 has antecedent of two cases, it is next submitted that informant alleges that on 2.02.2022 at about 8:00 pm, his elder brother had gone to the shop and when he reached near house of one Baijnath Singh, the accused petitioners along with 10-15 unknown accused, who were present from before, surrounded his elder brother



and started abusing him and, thereafter, petitioner No. 1 ordered to kill his elder brother upon which petitioner No. 2 dashed him on the ground and after that, the petitioner started assaulting him with bricks on his chest and eye due to which blood started oozing out from his eyes. Thereafter, all the three accused tried to strangle him by tying a piece of cloth around his neck, further, on alarm, informant and his family members reached the place of occurrence and saved the victim.

Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the informant is not an eye-witness to the occurrence as he himself alleges that on alarm, he rushed to the place of occurrence, it is next submitted that no doubt the petitioners have antecedents but then it is the case which is going on between the petitioner and the side of the informant, it is also submitted that no doubt one of the injury is grievous in nature but then allegation of assault is not specific nor the petitioners would evade the law rather will cooperate in the investigation and will present themselves before the Investigating Officer as and when called.

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) each 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 Paraiya P.S. Case No. 33 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, 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 presenting themselves 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 be entitled to cancel their bail bonds and to take all coercive steps to ensure that they are behind bars.

**(Satyavrat Verma, J)**

HarshPandey/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

