

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53675 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- HARSIDHI District- East Champaran

1. SHIV CHANDRA PRASAD Son of Late Rakatu Mahto Resident of Village - Yadavpur, P.S.- Harsidhi, District - East Champaran.
2. Prem Chandra Prasad Son of Late Rakatu Mahto Resident of Village - Yadavpur, P.S.- Harsidhi, District - East Champaran.
3. Ram Narayan Prasad @ Sadhu Son of Hari Chandra Prasad Resident of Village - Yadavpur, P.S.- Harsidhi, District - East Champaran.
4. Rajbabar Kumar @ Dhamu Son of Shambhu Prasad Resident of Village - Yadavpur, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2022 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 341, 323, 307, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 25.01.2021, petitioner nos. 1 and 2 assaulted the informant by surrounding him but the informant did not institute a case as he was assured by the villagers that the dispute would be settled by *panchayati*. It is next alleged that on account of



previous dispute, petitioner nos. 1, 2 and other accused persons came and dragged the informant on the road with an intention to kill and Raj Babbar hit the informant on his head causing injury and when Uma Shankar Prasad came to rescue him then accused Ram Narayan Prasad along with other unknown miscreants assaulted him causing injury on his limbs, the accused persons also snatched gold chain worth Rs. 1,20,000/-.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that as far as petitioner nos. 1 and 2 are concerned, the allegations are ornamental and they have been falsely implicated only on the ground of previous dispute for which no case was instituted by the informant as no occurrence had taken place but only to make out a case, the informant alleged that earlier on assurance of the villagers he had not instituted the case. Learned counsel further submits that as far as allegation of assault by Raj Babbar and Ram Narayan Prasad is concerned, the same though is specific but reason for the occurrence has not been stated in the F.I.R., it is next submitted that without motive no occurrence can take place as such the petitioner nos. 3 and 4 have been falsely implicated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that injury on



Uma Shankar Prasad is grievous in nature and as far as Raj Babbar is concerned, he is alleged to have assaulted on the vital part of the body.

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 Harsidhi P.S. Case No. 43 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as prayer for anticipatory bail of petitioner nos. 3 and 4 is concerned, the Court is not inclined to extend privilege of anticipatory bail to them.

The anticipatory bail application with respect to petitioner nos. 3 and 4 is hereby rejected.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

