

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44925 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- RAXAUL District- East Champaran

MAHAVIR YADAV Son of Jhokhu Rai Resident of Village - Siswa, P.s.-
Raxual, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 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 302 and 34 of the Indian Penal Code.

The informant alleges that accused persons including the petitioner came to his house and Jhaku Rai assaulted her husband by Bamboo causing injury on his head and when he fell down, it is alleged that the petitioner and other accused persons also assaulted him with lathi, it is further alleged that the husband of the informant died.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent. Learned counsel further submits that deceased and Jhaku Rai are own brothers



and petitioner is the son of Jhaku Rai, it is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of assault is against Jhaku Rai but since he died, as such, the informant implicated the petitioner also being son of Jhaku Rai. Learned counsel next submits that during the course of investigation, it has come that petitioner was not even present at the place of occurrence, it is next submitted that even presuming what has been alleged is true without admitting, then specific allegation of assault is against Jhoku Rai. It is also submitted that arrest is not meant to punish but to ensure that investigation is not hampered.

Learned counsel next submits that the petitioner will not evade the law, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case so that the truth comes out.

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 Raxaul P.S. Case No. 413 of 2021 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 petitioner despite giving assurance to this Court is not cooperating in the investigation or is not making himself available as and when called, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel his bail bonds.

In the event, if the charge sheet is submitted connecting the petitioner with the offence, then also the present anticipatory bail order will loose its effect.

The learned Trial Court is directed to send a copy of this order to the concerned P.S.

(Satyavrat Verma, J)

HarshPandey/-

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