

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46449 of 2022**

Arising Out of PS. Case No.-46 Year-2022 Thana- RAFIGANJ District- Aurangabad

SUNIL KUMAR Son of Rajendra Bhuiyan @ Rajendra Rikiyasan Resident of
Village - Nima, P.S.- Rafiganj, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari
For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 16-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Rafiganj P.S. Case No. 46/2022 (G.R. No. 234/2022), registered for the offence punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having told the informant and his family members, while they were going to temple, that if they touch the bamboo fixed at their doorstep to go to the temple, the accused persons would assault them.



The informant and his family members had then proceeded, since the only way to the temple was through the said way, whereafter the co-accused persons, namely, Arjun Bhuiyyan and Dilip Kumar, had manhandled the informant and inflicted lathi blow on the head of the informant resulting in him sustaining injuries. It is also alleged that the petitioner had then assaulted the brother of the informant, namely, Vijay Das, resulting in him receiving grievous injuries on his head.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.6.2022. The learned counsel for the petitioner has further submitted that the co-accused persons, namely, Dilip Kumar and Arjun Bhuiyyan, have already been granted the privilege of bail, by an order dated 12.7.2022, passed by a coordinate Bench of this Court in Criminal Miscellaneous No. 19853 of 2022. It is also submitted that the present case arises out



of case and counter case, inasmuch as the brother of the petitioner has also lodged an FIR bearing Rafiganj P.S. Case No. 47/2022, against the informant and his family members.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is alleged to have assaulted one person, namely, Vijay Das, on his head, resulting in him sustaining grievous injuries, I am not inclined to grant bail to the petitioner at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, after framing of charges by the learned trial court, on such conditions as may be deemed fit and proper to be imposed by the learned court of CJM, Aurangabad in connection with Rafiganj P.S. Case No. 46/2022.



The petition stands disposed of with the
aforesaid observations and directions.

(Mohit Kumar Shah, J)

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