

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67047 of 2021

Arising Out of PS. Case No.-218 Year-2021 Thana- NAANPUR District- Sitamarhi

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1. AMIRI RAI Son of Late Anup Ray
 2. Babloo Rai @ Bablu Kumar Son of Amiri Rai
 3. Anmol Rai @ Anmol Kumar Son of Pukar Rai
 4. Ashok Rai @ Ashok Kumar Son of Pukar Rai
 5. Amarjeet Rai @ Amarjeet Kumar Son of Binod Rai
All Resident of Village- Gaura, P.S.- Nanpur, District- Sitamarhi.
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2022 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application against petitioner no. 1 Amiri Rai.

Permission is accorded.

Heard learned counsel for the petitioner nos. 2 to 5 and learned A.P.P. for the State.

The petitioner nos. 2 to 5 apprehend their arrest in a case registered for the offences punishable under Sections 147, 323, 324, 307, 354(B), 447, 504, 506 and 379 of the Indian Penal Code.

Learned counsel for the petitioner nos. 2 to 5 submits that petitioner nos. 2 to 5 are persons with clean antecedent.



The informant alleges that on 16.06.2021, at around 08:00 p.m., while he was milking his she-buffalo, the petitioners came armed with deadly weapons and started abusing him and on the order of Amiri Rai, Babloo Rai assaulted the informant with an iron rod causing injury on his hand. Thereafter, Anmol Rai assaulted the informant with a sword causing injury on his head. When the father of the informant came to pacify the matter, he was assaulted by Amarjeet Rai causing injury on his head and when the brother of the informant Bhola Rai came, he was also assaulted by Babloo Rai causing injury on his head and Babloo Rai also snatched golden chain from the neck of the informant's wife and threatened to kill them.

Learned counsel for the petitioner nos. 2 to 5 submits that petitioner nos. 2 to 5 have been falsely implicated in the present case and from the side of the petitioner nos. 2 to 5 Nanpur P.S. Case No. 216 of 2021 was registered against the side of the present informant. It is next submitted that from perusal of the order impugned, it would manifest that the learned court below has clearly recorded that the prosecution was not able to produce any injury report from the side of the informant.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner nos. 2 to 5 and submits that from bare perusal of the FIR, it would manifest that the fardbeyan was recorded at SKMCH, Muzaffarpur which amply demonstrates that the injury was sustained from the side of the informant. He further submits that from the side of the petitioner nos. 2 to 5 also FIR has been instituted which corroborates the fact that occurrence did take place.

Learned counsel for the petitioner nos. 2 to 5 rebuts the submission of the learned A.P.P. and submits that the impugned order clearly records that no injury report from the side of the informant was produced by the prosecution.

Considering the submissions made by the learned counsel for the petitioner nos. 2 to 5, the petitioner nos. 2 to 5 above-named, 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 Nanpur P.S. Case No. 218 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned court below before accepting the bail bonds



of the petitioner nos. 2 to 5 shall verify again from the case diary whether there were any injury report of the injured from the side of the informant or not. In the event, if there is no injury report on the record, the present order will be acted upon. If there is any injury report in the case diary, then the present order shall not be acted upon.

(Satyavrat Verma, J)

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