

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.523 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- BHAGWANPUR District- Begusarai

1. Rahul Kumar, S/O Late Rajesh Mahto R/O Village - Harichak, P.S. - Bhagwanpur, District - Begusarai.
2. Kundan Kumar, S/O Pawan Kumar Mahto R/O Village - Harichak, P.S. - Bhagwanpur, District - Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2022 The learned counsel for the petitioners seeks permission to withdraw the preset anticipatory application with respect to petitioner no.2, as he has been arrested during the pendency of the application.

Permission is accorded.

Accordingly, the instant petition is dismissed as withdrawn against petitioner no.2 as having become infructuous.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Sections 341, 323, 307/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 8.7.2021, she was taking her daughter to the clinic with Pawan Kumar, who was in jail in a case relating to POCSO, was released on parole for his daughter's marriage came and ordered his family members to kill the informant's daughter. It is next alleged that altogether five accused persons including the petitioner came at the place of occurrence and started strangulating informant's daughter. Further they brought two ventilators and assaulted the informant on her head causing injury and even assaulted her daughter with bricks over her body and head.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that petitioner is a student and is nephew of Pawan Kumar, who is in custody in cases relating to POCSO, which was instituted by the present informant against him. It is next submitted that Pawan Kumar was released on parole for his daughter's marriage and since the informant was on an inimical term with him, as such, she falsely implicated his entire family members with a view to disturb the marriage. It is next



submitted that even presuming what has been alleged is true without admitting for the purposes of bail, then the allegation of assault is general and omnibus in nature and the injuries suffered are simple in nature. The learned counsel next submits that petitioner is a student and if he is sent to jail then his entire career would be jeopardized.

Learned A.P.P. opposes the bail application and submits that though a submission has been made that petitioner is a student, but there is nothing on record to even remotely suggest except for pleading that petitioner is a student.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhagwanpur P. S. Case No. 139 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

The learned trial Court shall verify as to whether the



petitioner is a student or not, if no documentary evidence is produced in support to show that petitioner is a student, then the present order shall not be acted upon.

(Satyavrat Verma, J)

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