

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8455 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. SARVJIT RAI S/O LATE KULDEEP RAI R/v- Sripur Karba, P.S.-
Ghorashan, District- East Champaran
 2. RAMBHU RAI S/O LATE KULDEEP RAI R/v- Sripur Karba, P.S.-
Ghorashan, District- East Champaran
 3. PAPPU KUMAR S/O RAMBHU RAI R/v- Sripur Karba, P.S.- Ghorashan,
District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Ghorasahan P.S. Case No. 428/2022 registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code. Petitioners have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that all the accused persons came with bad intention at his house and assaulted the entire family members. Accused Upendra Rai torn the blouse of the wife of the informant and



accused Rambhu Rai stolen Rs. 26000/- cash from his house.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that as per injury report the nature of injury of the informant is simple.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, so far as the petitioner no. 2 and 3 are concerned, there being no specific allegation of commission of overt act, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 2 and 3 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - II, Sikrahana at Dhaka, district – East Champaran, in connection with Ghorasahan P.S. Case No. 428/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2 and 3 and in case at any stage it is found that the petitioner nos. 2 and 3 have concealed their criminal antecedent, the court below shall take



step for cancellation of bail bond of the petitioner nos. 2 and 3. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 1 is concerned, he has used a deadly weapon like Farsa and gave repeated blow and ultimately caused injury on the nose of the Suresh Rai, in that view of the matter, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 1.

Prayer for anticipatory bail of petitioner no. 1 is, this, refused.

In case, the petitioner no. 1 surrenders in the learned court below and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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