

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16480 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. Kusheshwar Roy S/O Late Kameshwar Ray
 2. Nitin Prakash @ Raja Babu S/O Kusheshwar Roy
Both R/O Village- Raipur Buzurg, P.S- Sarairanjan, Distt.- Samastipur.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Sarairanjan P.S. Case No.304 of 2022 instituted under Sections 341, 323, 324, 307, 337, 379, 354(B), 447, 504/34 of the Indian Penal Code lodged on 28.10.2022 by the informant Ranjeet Kumar.

As per the prosecution story, when the informant was cleaning the milk machine at milk center situated at his 'Bathan', his agnate Kusheshwar Rai, Nitin Prakash @ Raja Babu, Sachin Prakash @ Mukul Rai, Sunita Devi variously armed came at his 'Bathan' and started hurling abuses. On his protest Kusheshwar Rai ordered to kill him on which Nitin Kumar Prakash assaulted on his head using of sharp edged



weapon and he received cut injury on head. He gave repeated blow. Sachin Prakash assaulted on his neck using but he warded it off causing injury in the left hand. Again he used weapon causing injury on the stomach.

Kusheshwar Rai started assaulting with iron rod and he fell down. Sunita Devi assaulted with brick and took away Rs.25000/- from his pocket. On hulla, when villagers started coming Kusheshwar Rai threw his mother Raj Kumari Devi who had come to save him and assaulted her with leg and fist and torn her clothes. Villagers assembled and pacified the matter and saved his life and thereafter took him for treatment to Sadar Hospital, Samastipur where he is being treated. Accordingly, the FIR.

Learned counsel for the petitioners submit that so far as petitioner no.1 is concerned allegation is of that of order giver whereafter against petitioner no.2 the allegation is of assaulting the victim.

Considering the aforesaid fact, so far as petitioner no.2 is concerned, this Court does not deem it fit and proper to extend relief to him and his anticipatory bail is rejected.

So far as the petitioner no.1, namely Kusheshwar Rai is concerned he is an order giver as alleged, do not have



criminal antecedent and old aged person, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioner no.1 be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Sarairanjan P.S. Case No.304 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate,III, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioner no.1 will make himself available to the police as and when required in course of investigation;

(iii) the petitioner no.1 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iv) the petitioner no.1 shall appear before the concerned police station every fortnight for next six months to



mark attendance;

(v) the petitioner no.1 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner no.1 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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