

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18047 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- RANIYATALAB District- Patna

1. RAJESH KUMAR S/O AWADHESH PRASAD R/O VILLAGE- KAB P.S. RANI TALAB, DISTT.- PATNA.
2. AWADHESH PRASAD S/O LATE KEWAL RAM R/O VILLAGE- KAB P.S. RANI TALAB, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Rani Talab P.S. Case No. 170 of 2022 for the offence registered under sections 341, 323, 307, 325, 379, 504, 506 and 34 of the Indian Penal Code lodged on 19.08.2022 by the informant, Ramdev Mochi.

The prosecution story, in brief, is that on 29-07-2022 at around 8.00 AM, the accused persons Rajesh Kumar (P-1). Omprakash, Suraj Kumar. Usha Devi and Awdesh Prasad (P-2) were constructing boundary wall over the disputed land and when the informant and his nephew objected, the aforesaid



accused persons started assaulting them. As per informant, the petitioner- Rajesh Kumar with the intention to cause death attacked the informant with 'iron rod' because of which he i received head injury. Thereafter, other accused persons also assaulted him by '*khanti*'. Because of the above assaults, the informant's left hand and left leg were broken. When the nephew of informant came to his rescue, the petitioner herein assaulted him with '*iron rod*' injuring his head and temple. Thereafter, the informant's uncle - Umesh Mochi and Dharmendra Mochi came and they too were assaulted by Omprakash because of which his head was broken. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioners that though allegation of assault is against two petitioners, the injuries have been found to be simple in nature as would manifest from Annexure- 2 series.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- each i.e. Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to



be submitted before the 'NAZARAT' of concerned Court to be handed over to the injured after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that both the petitioners alleged to have assaulted the two injured persons, who were treated at AIIMS, Patna.

Considering the fact that they do not have criminal antecedent, the injuries have been found to be simple in nature, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 10,000/-, as stated above.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Danapur in connection with Rani Talab P.S. Case No. 170 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners 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 their bail bonds;

(iv) the petitioners 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.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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