

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24531 of 2023

Arising Out of PS. Case No.-296 Year-2020 Thana- ATHMALGOLA District- Patna

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1. RAMAKANT RAY S/o- LATE GHAMANDI RAY RESIDENT OF VILLAGE- GANJPUR PS ATHMALGOLA DISTRICT- PATNA
 2. VISHAL KUMAR S/o- RAMAKANT RAY RESIDENT OF VILLAGE GANJPUR PS ATHMALGOLA DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2023 Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1 Ramakant Ray.

Permission is accorded.

Accordingly, the prayer for anticipatory bail of petitioner no. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner no. 2 submits that



petitioner no. 2 is a person with clean antecedent.

The informant alleges that Vishal Kumar fired missing the informant thereafter the petitioners along with Vikash Kumar assaulted him by lathi causing fracture of the hand and foot and Ramakant Ray also assaulted his wife by an iron rod causing injury on her hand and petitioner no. 2 snatched golden chain of his wife.

Learned counsel for the petitioner no. 2 submits that petitioner no. 2 has been falsely implicated in the present case. It is further submitted that petitioner no. 2 is son of Ramakant Ray and he is full-brother of the informant and there is dispute relating to property. It is next submitted that even the allegation of assault against petitioner no. 2 is not specific and the date of occurrence is 21.11.2020 and the FIR came to be instituted on 10.12.2020 without any plausible explanation though in the FIR it is alleged that since the informant was under treatment as such the FIR was delayed but then it is submitted that it absolutely does not stand to reason that if the informant was under treatment with injury then the police ought to have been informed either by the informant or the hospital authority but then the same was not done. It is also submitted that there is counter case also.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his 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.5,000/- (Rupees Five Thousand) 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 Athmalgola P.S. Case No. 296 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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