

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23795 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- SAHAR District- Bhojpur

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SANJAY RAI Son of Rambachan Rai R/V- Baruhi, PS-Sahar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 379, 504, 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and it is alleged that
Ashwini Kant Bose assaulted the informant with *Khanti* causing
injury, thereafter the petitioner also assaulted him with *Khanti*
causing injury on head.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is
next submitted that from bare perusal of the allegation as
alleged in the F.I.R., it would manifest that both Ashwini Kant



Bose and petitioner are alleged to have assaulted the informant with *Khanti* causing injury on his head. Learned counsel next submits that though it is alleged that both Ashwini Kant Bose and petitioner assaulted with *Khanti*, but police after investigation submitted Final Form in favour of Ashwini Kant Bose.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that since Ashwini Kant Bose was found innocent, as such allegation of assaulting the informant with *Khanti* on head now is against the petitioner only.

6. Learned counsel for the petitioner submits that the injury suffered by the informant is simple in nature and the blow was not repeated.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sahar P.S. Case



No. 91 of 2022 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

8. However, the learned Trial Court before accepting
the bail bonds of the petitioner shall verify the injury of the
informant and in the event, if it is found that the informant
suffered grievous injury, then the present anticipatory bail order
shall not be given effect to.

(Satyavrat Verma, J)

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