

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25776 of 2023

Arising Out of PS. Case No.-306 Year-2020 Thana- TARAIYA District- Saran

1. RAKESH KUMAR @ RAKESH RAM S/O LATE PRABHU RAM Resident of Village- Taraiya, District- Saran at Chapra.
2. RAJESH RAM S/O LATE PRABHU RAM Resident of Village- Taraiya, District- Saran at Chapra.
3. RAM NARESH RAM S/O LATE PRABHU RAM Resident of Village- Taraiya, District- Saran at Chapra.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Dr. Rajesh Kumar Singh, Advocate
		Mr. Anant Kumar Bhaskar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 & 506/34 of the Indian Penal Code.

The allegation against petitioner no.2 is that he assaulted the son-in-law of the informant by means of lathi causing injury on his head, petitioner no.1 assaulted Munna Ram by means of iron rod sustaining head injury to him and the petitioner no.3 abused and assaulted the informant. They also snatched the gold chain of the informant.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, the present case has been lodged in retaliation of Taraiya P.S. Case No.305 of 2020 lodged by the petitioner no.2 against the informant and her family members. There is inordinate delay of two days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP assisted by learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case as well as the fact that the injury caused by petitioner nos.2 and 3 are simple in nature, let the above named petitioner nos.2 and 3, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each 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



Taraiya P.S. Case No. 306 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case as also the fact that the injury caused by petitioner no.1 is grievous in nature, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

However, if the petitioner no.1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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