

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23921 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- ANGARGHAT District- Samastipur

1. TUNTUN RAY S/O HARE KISHUN RAY @ HARE KRISHN RAY R/O Village- Virnama, P.S- Angar Ghat, Distt.- Samastipur.
2. Manti Devi W/O Tuntun Ray R/O Village- Virnama, P.S- Angar Ghat, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioner no. 2 to surrender before the learned Court below within a period of four weeks from today and seek regular bail, however, seeks a direction upon the learned Trial Court to consider and dispose of the regular bail petition to be filed by the petitioner no. 2 on the very same day. It is directed accordingly.

Consequently, the present petition qua the petitioner 2 stands dismissed as not pressed.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in



connection with Angar Ghat P.S. Case No. 104 of 2022, registered for the offence punishable under Sections 341, 323, 324, 379, 354, 307, 504 and 506 of the Indian Penal Code.

The petitioner no. 1, his wife Manti Devi, co-accused persons, namely, Sonu Ray, and Bablu Ray as also one Hari Kishun Rai, are alleged to have assaulted the informant while the informant was returning back to his house along with his wife.

The learned counsel for the petitioner No. 1 submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner No. 1 has further submitted that though the petitioner no. 1 has been alleged to have assaulted the informant with iron-rod on his head, however, the said injury has been found to be simple in nature although the injuries inflicted upon the informant, attributable to the petitioner no. 2, and the co-accused person, namely, Bablu Ray, have been found to be grievous in nature, hence, it is submitted that at least, the petitioner no. 1 be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioner no. 1, taking into account the materials available on record as also considering the fact that the petitioner no. 1 is having a clean antecedent and the injuries, sustained by the informant, attributable to the petitioner no. 1, has been found to be simple in nature, I deem it fit and proper to admit the petitioner No. 1 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Samastipur, in connection with Angar Ghat P.S.Case No. 104 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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