

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31490 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- GAURICHAK District- Patna

1. KAMLESH RAY Son of Late Dhina Ray Resident of village - Bahuara, P.S. - Gaurichak, Distt. - Patna
2. Sujeet Kumar Son of Jitan Ray Resident of village - Bahuara, P.S. - Gaurichak, Distt. - Patna
3. Jitendra Kumar Son of Rajgir Ray Resident of village - Bahuara, P.S. - Gaurichak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 379, 34 of the Indian Penal Code.

3. The informant alleges that the accused persons including the petitioners intercepted him and asked him to withdraw the case, on protest, he was assaulted and Kamlesh caught his neck, thereafter, Vishal and Raju assaulted him by knife causing injury on back, Chintu and Sujeet assaulted by lathi and Jitendra snatched his chain and Rs. 3,500/-.



4. Learned counsel for the petitioners submits that petitioner No. 1 has antecedent of three cases and petitioner No. 2 and 3 have antecedent of one case.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the petitioners and the informant are related and are having dispute relating to land and are gothiyas but then the said facts are concealed in the FIR, it is next submitted that no doubt there are cases between the parties but then the allegation of threatening the informant for withdrawing the case has been alleged only with a view to give a serious colour to the case when the allegations against the petitioners in the FIR is of general and omnibus nature that petitioner No. 1 caught neck of the informant, petitioner No. 2 along with Chintu assaulted him by lathi and petitioner No. 3 snatched his gold chain and Rs. 3,500/-, it is next submitted that whenever any occurrence takes place, the petitioners are also implicated in the said case. It is next submitted that no doubt allegation of causing injury by knife is against Vishal and Raju who are no petitioners before this Court.

6. Learned counsel for the petitioners further submits that though Vishal and Raju are alleged to have assaulted the



informant with knife but then for the same occurrence, the father of the informant had instituted Gaurichak P.S. Case No. 497 of 2022 dated 01.08.2022 but the allegations as alleged by the father of the present informant and the allegation in the present FIR varies, despite the occurrence being the same, it is next submitted that Vishal got police bail in Gaurichak P.S. Case No. 497 of 2022 on 01.08.2022, thereafter, the informant by way of afterthought again instituted the present FIR, it is thus submitted that for the same occurrence, two FIRs have been instituted.

7. Learned A.P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not able to rebut the submission of the learned counsel for the petitioner that for the same occurrence, two FIRs have been instituted and Vishal has been granted the privilege of police bail and there is no specific allegation of committing any overt act against the petitioners and the allegations as alleged in the present FIR differs from the allegations as alleged in Gaurichak P.S. Case No. 497 of 2022.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Gaurichak P.S. Case No. 523 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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