

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42581 of 2021

Arising Out of PS. Case No.-614 Year-2018 Thana- MANER District- Patna

1. SAWARU RAI Son of Late Kishun Rai
2. ASHOK RAI Son of Sawaru Rai
3. BIJENDRA RAI Son of Chandeshwar Rai
4. LAL SAHEB RAI Son of Deva Rai @ Devram Rai
All Resident of Village - Nagatola, Goriya Asthan, P.S. - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 143, 341, 323, 308, 379, 325 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of one case and petitioner nos. 3 and 4 are persons with clean antecedent.

The informant alleges that the named accused persons including the petitioners came and assaulted him leading to injury on the informant and when his family members came to save him they were also assaulted causing injury to Harendra



Rai and Laxmi Devi and thereafter the accused persons also assaulted Kundan Rai and Shivji Kumar and took away the box containing ornaments etc.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that there is no specific allegation of assault. It is next asserted and submitted that the police in a mechanical manner investigated the case and submitted charge-sheet even without injury report. It is also submitted that it absolutely does not stand to reason that when the injury was not investigated by the police how the case was found true under Section 308 of the Indian Penal Code read with other sections of the Indian Penal Code. It is further submitted that petitioners were granted the benefit of Section 41(A) of the Cr.P.C. Learned counsel next relies on a judgment of this Court in the case of **Gauri Shankar Roy Vs. State of Bihar** reported in **2015(3) PLJR 618**, wherein this Court, after examining the provision of law and the earlier judgment, had come to a considered conclusion that an anticipatory bail is maintainable if the privilege of Section 41(1) of the Cr.P.C. is granted to the accused persons.



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

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 Court below 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 court below where the case is pending/successor court in connection with Maner P.S. Case No. 614 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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