

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32350 of 2023

Arising Out of PS. Case No.-774 Year-2022 Thana- GARKHA District- Saran

1. BABLU KUMAR SON OF SANJAY RAI RESIDENT OF VILLAGE-PIRARI, PS- GARKHA, DISTT- SARAN
2. AJIT KUMAR SON OF KONGRESS RAI @ KANHAI RAI RESIDENT OF VILLAGE- PIRARI, PS- GARKHA, DISTT- SARAN
3. PRINCE KUMAR SON OF GANESH RAI RESIDENT OF VILLAGE-PIRARI, PS- GARKHA, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Adv.
For the Opposite Party/s	:	Mr.Ajit Kumar, APP
For the Informant	:	Mr.Rupesh Kumar, Adv.
		Mr.Ravi Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-07-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 379, 504, 307/34 of the IPC.

3. As per the prosecution case, petitioner no.1 dragged the informant from his vehicle and assaulted with butt of country made pistol on his head. When his nephew came to rescue, the other accused persons assaulted by means of various weapons to the informant and his nephew. Petitioner no.1 took Rs.47,000/- from the pocket of informant.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.1 to assault the informant and the injury was found grievous in nature.

6. Considering the fact that the grievous injury of the informant is alleged to have been inflicted by the petitioner no.1, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail to petitioner no.1 is hereby rejected.

7. Having regard to the facts and circumstances of the case, since there is general and omnibus allegation against petitioner nos.2 and 3 named above, let them, be released on bail, in the event of their 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 Garkha P.S. Case
No.774 of 2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

8. This application is partly allowed.

(Anjani Kumar Sharan, J)

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