

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34424 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- MUSRIGHRARI District- Samastipur

1. RAM NANDAN RAI @ RAM NANDAN RAY Son of Shri Ramprit Ray Resident of village - Bhakhari Buzurg, P.S. - Musrigharari, Distt. - Samastipur
2. Amilesh Kumar @ Amilesh Rai @ Amilesh Kumar Rai @ Amilesh Ray Son of Ram Nandan Ray Resident of village - Bhakhari Buzurg, P.S. - Musrigharari, Distt. - Samastipur
3. Mithilesh Kumar Rai @ Mithilesh Kumar Ray Son of Ram Nandan Ray Resident of village - Bhakhari Buzurg, P.S. - Musrigharari, Distt. - Samastipur
4. Rupesh Kumar @ Rupesh Kumar Rai @ Rupesh Kumar Ray Son of Ram Nandan Ray Resident of village - Bhakhari Buzurg, P.S. - Musrigharari, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2023 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 341, 323, 324, 325/34 and 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant alleges that the accused persons including the petitioners came and assaulted him and when his family members came they were also assaulted. It is further



alleged that Suresh Rai died during course of treatment.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that even from perusal of the FIR, it would manifest that no specific allegation of assault is alleged against any of the petitioners. It is next submitted that the date of occurrence is 26.10.2022 and the FIR came to be instituted on 10.11.2022 i.e. after a delay of more than 14 days of the occurrence and thereafter Section 302 of the Indian Penal Code was added on 13.12.2022. Learned counsel thus submits that if the occurrence had taken in the manner as alleged then the FIR ought to have been instituted promptly. It is further submitted that even the alleged assault is not the proximate cause of death. It is next submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the investigating officer of the case.

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
Musrigharari P.S. Case No. 196 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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