

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47210 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- RAGHUNATHPUR District- Siwan

1. Rakesh Chaurashiya @ Rakesh Kumar Prasad son of Raj Kishore Chaurashiya Village- Khujwa P.S- Raghunathpur Dist- Siwan
2. Sujit Prasad @ Sujit Chaurashiya son of Chambhu Chaurashiya Village- Khujwa P.S- Raghunathpur Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the Informant	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr. Ranjeet Kumar, learned counsel for the petitioners, Mr. Prashant Kumar, learned counsel appearing on behalf of the Informant and Mr. Surendra Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Raghunathpur P.S. Case No. 211 of 2022, F.I.R. dated 18.09.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, in brief, is that on 18.09.2022 at about 06:30 A.M. the informant was talking with his Mausi (aunt) and in the meanwhile, accused persons including the petitioners came there and surrounded him and



started beating. Accused Raj Kishore Chaurasia assaulted the informant on his head by means of *farsa* and Rakesh Chaurasia assaulted him by *lathi* and Rahul Chaurasia snatched gold locket worth of Rs. 20,500/- from the informant's pocket.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and there is case and counter case between the parties and both sides have received injuries. He further submits that as per F.I.R. co-accused person namely Raj Kishore Chaurasiaya has assaulted with farsha on the head of the informant and he received head injury in his head and thereafter petitioner no. 1 namely Rakesh Chaurasia @ Rakesh Kumar Prasad has also assaulted with lathi on his head and he has received injury. Learned counsel for the petitioners further submits from perusal of the injury report it appears that two persons have assaulted the informant but he has received only one injury and the injury suggests that from whom assault the injury has inflicted upon the informant. He further submits that co-accused person namely Shambhu Barai @ Shambhu Charasiya and Prem Kumar Prasad have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order datedf 19.05.2023 passed in Cr. Misc. No.



7955 of 2023.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the injury inflicted by the petitioner no. 1 by means of lathi to the informant and the injury report of the informant suggests that he received grievous injury caused by hard and blunt substance and the same has corroborated in the injury report.

6. Considering the facts and circumstances of the case that the informant has received only one injury and there is allegation that he has assaulted by the petitioner and other co-accused persons and the petitioners having clean antecedents, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Raghunathpur P.S. Case No. 211 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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