

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45914 of 2023

Arising Out of PS. Case No.-1008 Year-2022 Thana- SONEPUR District- Saran

1. Mantu Rai @ Mantu Kumar, S/O Late Raj Kumar @ Late Raj Kumar Rai, R/O Village- Sabalpur Chai Tola, P.S. Sonapur, District- Saran
2. Pintu Rai @ Pintu Kumar, S/O Late Raj Kumar @ Late Raj Kumar Rai, R/O Village- Sabalpur Chai Tola, P.S. Sonapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Himanshu Ranjan, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned APP
for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sonepur P.S. Case No. 1008 of 2022, registered for the alleged offences under Sections 341, 323, 307, 325, 435 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant with *lathi*, *danda* and iron rod when he went to scold them and co-accused Akash Kumar set the hut of the informant on fire. Co-accused Pukar Rai assaulted on the head of the informant with iron rod causing fracture of the head and co-accused Akash Kumar hit him with iron rod on his right hand causing fracture injury. When the informant fell down all other co-



accused persons assaulted him.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The informant created a false and concocted story stating the petitioners to be criminals in excise case whereas the informant is himself a notorious criminal and five cases under Bihar Prohibition and Excise Act are pending against him. The informant had been selling illicit liquor and this was protested by the petitioners and his family members who informed the police but the informant was successful in fleeing away from the spot. Co-accused Pukar Rai is one of the witness in recovery of illicit liquor from the land of the informant. For this reason, the petitioners have been falsely implicated in this case along with other co-accused persons. Moreover, in the present case there is no specific allegation of assault against the petitioners and the said allegation is against Pukar Rai and Akash Kumar. Only general and omnibus allegations have been levelled against the petitioners but there is no corresponding injuries. The injury report of the informant shows only one lacerated wound and the allegation for the same is against co-accused Pukar Rai. Further injury of pain and swelling of right elbow have been noted and this is against co-accused Akash Kumar.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners are having criminal antecedent and a number of cases are pending against them.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the enmity between the parties and possibility of false implication coupled with absence of allegations of causing any injury, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/court concerned in connection with Sonapur P.S. Case No. 1008 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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