

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46024 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- WARISNAGAR District- Samastipur

1. AMIRI RAI S/O LALO RAI R/O VILLAGE- BHAGI MANNIPUR, PS. WARISNAGAR (MATHURAPUR OP), DIST. SAMASTIPUR
2. RAHUL KUMAR S/O AMIRI RAI R/O VILLAGE- BHAGI MANNIPUR, PS. WARISNAGAR (MATHURAPUR OP), DIST. SAMASTIPUR
3. BABY DEVI @ BOBY KUMARI D/O AMIRI RAI R/O VILLAGE- BHAGI MANNIPUR, PS. WARISNAGAR (MATHURAPUR OP), DIST. SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-09-2023 Heard Mr. Abhay Shankar Singh, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Warisnagar PS Case No. 100/2023 dated 01.04.2023 registered for the offence punishable under Sections 341/323/307/427/379/504/506/34 of the IPC.

3. As per First Information Report on 30.03.2023 at about 10:00 PM 'Ashtajam Yagna' was going on at Begampur where Hyva vehicle and tractor of petitioner no.1 were plying due to which dust was spreading near the Yagna site, which was



being objected to by the informant on which petitioner no.1 assaulted one Ajay Kumar by means of iron rod and petitioner no.2 assaulted Vivek Kumar by rod on his head. Petitioner no.3 is daughter of petitioner no.1.

4. Learned counsel for the petitioners submits that the petitioners along with other family members have falsely been implicated in this case with oblique motive. He further submits that the FIR has been lodged after delay of two days on 01.04.2023 at 1:00 PM whereas the petitioners along with his family members were assaulted by the prosecution side on 30.04.2023 due to refusal on part of the petitioner no.1 to pay the donation/extortion demanded by the prosecution side. He further submits that *Fardbeyan* of petitioner no.1 was recorded in the hospital by the police on 31.01.2023 at 6:00 AM in the morning where petitioner no.1 and his five family members were being treated in the hospital since night of 30.03.2023. He next submits that the alleged victims have not come forward to lodge an FIR and their injuries also have not been examined by the doctor. Accordingly, his submission is that they have not sustained any injury.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that there is delay of



two days in lodging of the FIR, the FIR of the petitioner was lodged prior on time on 31.03.2023 where the petitioner no.1 and his family members were undergoing treatment since night of 30.03.2023, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Warisnagar PS Case No. 100/2023, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

