

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50838 of 2023

Arising Out of PS. Case No.-372 Year-2022 Thana- BIBHUTIPUR District- Samastipur

1. Surendra Ray Son of Shobhit Roy @ Shobha Kant Ray Resident of village - Mahishi, P.S. - Bibhutipur, Distt. - Samastipur
2. Rajeev Kumar @ Rajeev Kumar Ray Son of Bindeshwari Ray Resident of village - Mahishi, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Nirala, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bibhutipur P.S. Case No. 372 of 2022 registered for the offences punishable under Sections 147, 341, 323, 427, 354, 354-B, 379, 504 and 506 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 23.09.2022 when the informant returned from Dalsinghsarai and gave the key to her driver to park her vehicle, in the meantime, four FIR named accused persons along with 4-5 unknown persons came there and started damaging her vehicle with rod and stone. When the father-in-law of the informant came to rescue her, petitioner



no.1 assaulted him by iron rod due to which he sustained head injury. One Naveen Kumar entered her house at night and abused and assaulted her and one Arun Kumar snatched her gold mangalsutra. Petitioner No. 2 also stole a box containing Rs.62,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation of assault against petitioner no. 2.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the fact that the petitioner no. 1 had earlier withdrawn the ABP No. 22-C of 2023 vide order dated 11.01.2023 and thereafter a fresh anticipatory bail petition was filed which was in the nature of repetition for no plausible reason and that there is specific allegation against him of causing assault on the head of the father of the informant, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 1.

7. So far as the petitioner no. 2 is concerned, since there is no specific allegation against him and he has otherwise no criminal antecedent, this Court directs that in case of his



arrest or surrender within a period of four weeks from today, the petitioner no. 2 shall be released on bail in connection with Bibhutipur P.S. Case No. 372 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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