

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47854 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. RAJESH KUMAR Son of Nandu Prasad Saundik Resident of village and P.S.- Rafiganj, Distt.- Aurangabad.
2. Sonal Sinha Son of Subodh Sinha Resident of village - Deokuli, P.S.- Kasma, Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48206 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- RAFIGANJ District- Aurangabad

AJIT KUAMR @ PAPPU Son of Ramchandra Prasad Resident of Village - Durga Sthan, Main Road Rafiganj, P.s.- Rafiganj, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47854 of 2022)

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

For the Opposite Party/s : Mr.Braj Kishore Pd.,APP

(In CRIMINAL MISCELLANEOUS No. 48206 of 2022)

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary,APP

For the Informant in both cases : Mr. Aman Vishal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in connection with Rafiganj P.S. Case No. 233 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325,



307, 379, 427, 504 and 506 of the Indian Penal Code.

As per the FIR, the accused persons armed variously assaulted the informant and his family members and took away Rs. 40,000/- from the shop.

Learned counsel for the petitioners submit that so far as the petitioner no. 2, namely, Sonal Sinha in Cr. Misc. No. 47854 of 2022 is concerned, allegation against him is of giving '*gandasa*' blow on the head of the son of the informant. So far as the petitioner no. 1, namely, Rajesh Kumar is concerned, save and except that omnibus allegation of assault, there is no further allegation attributed to him. Regarding, Ajit Kumar @ Pappu in Cr. Misc. No. 48206 of 2022, an exaggerated allegation is that subsequently, he took away Rs. 40,000/-

Learned counsel for the informant, on the other hand, submits that there is direct allegation of '*gandasa*' blow on the head by Sonal Sinha and as such, so far as he is concerned, he does not deserves bail.

Taking into account the aforesaid facts, so far as the accused petitioner no. 2, Sonal Sinha in Cr. Misc. No. 47854 of 2022 is concerned, this Court is not inclined to grant him privilege of anticipatory bail which is accordingly rejected.

Regarding petitioner no. 1, namely, Rajesh Kumar



(Cr. Misc. No. 47854 of 2022) and Ajit Kumar @ Pappu (Cr. Misc. No. 48206 of 2022) are concerned, in view of the fact that omnibus allegation as well as snatching of amount is/are there, this Court is inclined to grant them relief with the condition that they will cooperate during the course of investigation as and when, they are required by the police.

Let the petitioner no. 1, namely, Rajesh Kumar (Cr. Misc. No. 47854 of 2022) and Ajit Kumar @ Pappu (Cr. Misc. No. 48206 of 2022) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Rafiganj P.S. Case No. 233 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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