

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52407 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- DANAPUR District- Patna

Rajeshwar Rai Son Of Rambabu Rai Resident Of Village - Nasriganj, Mithila
Colony, P.S. - Danapur, Distt. - Patna.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioner, counsel for
the Informant and learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 326, 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the FIR has been lodged against 7 named accused persons that they assaulted the informant by *Desi* pistol. A specific allegation against the petitioner is that he assaulted the informant with butt of the *Desi* pistol, due to which informant started bleeding. Allegation against the other persons is that they assaulted the informant by fist and snatched Rs. 5,000/- and mobile from him. Upon informant's cry the other accused persons reached there and one

co-accused Guddu Rai fired gun shot on one Mithilesh Kumar, due to which he admitted in the PMCH, Patna in emergency ward.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He submits that both the petitioner's side and informant's side are adjacent neighbours and for the same date and from the same place of occurrence, case and counter case has been lodged. From the petitioner's side FIR bearing Danapur P.S. Case No.333 of 2023 was lodged and from the informant's side FIR bearing Danapur P.S. Case No.332 of 2023 was lodged. Counsel submits that antecedent of the petitioner is not clean and there are 2 criminal cases against him, in which he is on bail. He further submits that the injury report has been annexed as Annexure-3 and it has come in the report that injury caused to the said Mithilesh Kumar is simple nature.

5. Learned APP for the State opposes the prayer for bail but he admits that for the same date and from the same place of occurrence, a case and a counter case have been filed.

6. In the present facts and circumstances it is clear that there was no intention of the petitioner to kill the informant's father, let the above named petitioners be released

on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist, Danapur, Patna, in connection with Danapur P.S. Case No.332 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Further condition is hereby imposed on the petitioner that if the petitioner is found to be involved in any other criminal case then the prosecution shall be at liberty to move for cancellation of his bail bond.

(Dr. Anshuman, J.)

Ashishsingh/-

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