

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55084 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- MUSAHARI District- Muzaffarpur

1. Rajeev Kumar @ Chunnu Thakur @ Rajeev Ranjan S/O Mouje Thakur R/O Manika Gazi, P.S- Mushahari, Distt.- Muzaffarpur.
2. Ajay Kumar @ Ajay Kumar Thakur S/O Late Kishori Thakur R/O Manika Gazi, P.S- Mushahari, Distt.- Muzaffarpur.
3. Vivek Kumar S/O Dilip Thakur R/O Manika Gazi, P.S- Mushahari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Ms. Bela Singh, learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mushahari P.S. Case No. 287 of 2022, F.I.R. dated 18.10.2022 for the offences punishable under Sections 447, 341, 323, 325, 307, 354B, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the petitioners abused and assaulted the informant and petitioner no. 1, namely, Rajeev Kumar thrashed her and threw her on ground and also



tried to outrage her modesty. It is further alleged that they also assaulted the mother of the informant who came to save her and then fled away.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. She further submits that it appears from the F.I.R that there is specific allegation against the petitioner no. 1, namely, Rajeev Kumar @ Chunnu Thakur @ Rajeev Ranjan who has assaulted the informant and during treatment she died. She further submits that the date of occurrence as alleged in the F.I.R is 18.10.2022 and the informant/victim died on 20.12.2022 during the treatment and the petitioner no. 1, namely, Rajeev Kumar @ Chunnu Thakur @ Rajeev Ranjan can't be blamed for the death of the informant/victim.

5. Learned counsel for the petitioner further submits that there is case and counter case between the parties and initially the injury report of the informant/victim suggests that she had received simple injuries and she died due to other reasons.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioner no.



1, namely, Rajeev Kumar. He further submits that all the petitioners carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 1, namely, Rajeev Kumar @ Chunnu Thakur @ Rajeev Ranjan.

8. With respect to petitioner no. 2 and 3, namely, Ajay Kumar @ Ajay Kumar Thakur and Vivek Kumar respectively, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of 12th of Judicial Magistrate 1st Class, East Muzaffarpur in connection with Mushahari P.S. Case No. 287 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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