

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69532 of 2021

Arising Out of PS. Case No.-144 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

1. RUPESH KUMAR S/o- Jai Prasad Paswan R/o Village- Sarfuddinpur, P.S.- Bochahan, District- Muzaffarpur.
2. Subhash Kumar S/o- Ramavtar Paswan R/o Village- Sarfuddinpur, P.S.- Bochahan, District- Muzaffarpur.
3. Bittu Kumar@ Bittu S/o- Ramavtar Paswan R/o Village- Sarfuddinpur, P.S.- Bochahan, District- Muzaffarpur.
4. Jai Prasad Paswan@ Jai Prakash Paswan S/o Ram Bilash Paswan R/o Village- Sarfuddinpur, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 09-02-2023 Learned counsel for the petitioners seeks permission to withdraw the application in respect of petitioner no. 4 since during the pendency of this application he has been arrested.

Permission in accorded.

In view of the above, the application of petitioner no. 4 namely Jai Prasad Paswan@ Jai Prakash Paswan is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend arrest in connection with



Bochahan P.S. Case No. 144 of 2021 registered for the offences under Sections 307, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the instant case. Further submission is that there is no direct allegation of causing injury against these petitioners. Petitioners have no criminal antecedent.

Learned Additional Public Prosecutor appearing for the State opposes the prayer for bail of petitioner no. 1 by contending that in the first information report, there is direct allegation against him of assaulting the informant by means of iron rod and the injury report also corroborates the same. He therefore, submits that petitioner no. 1 does not deserve to be enlarged on anticipatory bail.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner no. 2 and 3 namely Subhash Kumar and Bittu Kumar@Bittu, respectively, be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of Judicial Magistrate-I, Muzaffarpur in connection



with Bochahan P.S. Case No. 144 of 2021, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

So far as the prayer of petitioner no. 1 namely Rupesh Kumar is concerned, considering that there is direct allegation of assault against him which is corroborated by the injuries, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for bail is accordingly rejected.

(Arvind Srivastava, J)

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