

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65109 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- DALSINGHSARAI District- Samastipur

1. KEDAR RAI @ KEDAR RAY S/o Ramudgar Rai @ Ramudgar Ray R/V- Kurni Tola Bajidpur, P.S.- Dalsinghsarai, Distt- Samastipur.
2. RAM SWARATH RAI @ RAM SWARATH RAY S/O Ramudgar Rai @ Ramudgar Ray R/V- Kurni Tola Bajidpur, P.S.- Dalsinghsarai, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Pratap, Adv.
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr.Dilip Kumar Roy, Adv.
		Mr.Sunil Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 326, 307, 504 and 34 of the IPC.

Allegedly, all the F.I.R. named accused persons including the petitioners surrounded the husband of informant. Petitioner no.2 and one Sunil Rai caught hold of the husband of informant and petitioner no.1 assaulted him on his neck and above the eye by means of *Tarchhebiya* and ran away.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners have criminal antecedent as mentioned in para-3 of the bail application and in the supplementary affidavit of the bail application.

Learned APP for the State and learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.1 Kedar Rai @ Kedar Ray to assault the husband of informant by means of *Tarchhebiya* and injury was found to be grievous in nature.

Since, there is specific allegation against petitioner no.1 of assaulting the informant's husband, due to which he sustained grievous injury, I am not inclined to enlarge the petitioner no.1 named above on anticipatory bail. The prayer for grant of bail on his behalf is rejected.

So far as petitioner no.2 is concerned, having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner no.2, let him be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Dalsinghsarai P.S. Case No.150 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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