

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63789 of 2022

Arising Out of PS. Case No.-55 Year-2014 Thana- MOTIHARI MUFASIL District- East Champaran

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Ranjit Kumar @ Guddu S/O Madhusudan Prasad R/V- Pataura, Lala Tola,
P.S.- Motihari Mufassil, District- East Champaran. Petitioner/s
Versus

1. The State of Bihar
 2. Bishwanath Pathak S/O Late Ramashray Pathak R/V- Pataura, Lala Tola,
P.S.- Motihari Mufassil, District- East Champaran
- Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Manisha Pandey
For the Opposite Party/s : Mr. Ajit Kumar
Mr. Rakesh Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 302, 120(b) of the Indian Penal Code.

Petitioner along with other accused persons came at the door of the informant and started abusing him. They also assaulted the son of the informant by means of stick and iron rod due to which he fell unconscious.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that, after investigation, police submitted final form showing the case not true against the petitioner, but



differing with the same, the learned court below took cognizance against him. He submits that the petitioner has no criminal antecedent as stated in para-3 of the bail application. He submits that earlier petitioner had filed the anticipatory bail application before this Court, which was dismissed by a co-ordinate Bench of this Court vide order dated 01.07.2016 passed in Cr.Misc. No. 18101 of 2016. Thereafter, petitioner filed a Cr. Writ Jurisdiction Case No. 1588 of 2018 before this Court and a co-ordinate Bench of this Court vide order dated 26.07.2018 disposed of the writ petition with some observations and directions, the relevant portion whereof is quoted herein below:

“In the facts and circumstances pleaded before this Court, prima facie it appears that the investigation of the case is not proceeding properly and despite there being a direction of the senior police officer to the investigating officer, as claimed by the petitioner, the steps are not being taken to conduct the investigation properly. At this stage, this Court would direct the Superintendent of Police, Motihari to look into the grievance of the petitioner and find out the reasons for non-conclusion of the investigation despite there being a lapse of over four years by now. The Superintendent of Police shall issue necessary direction to the investigating officer either the present one or by replacing the investigating officer as per his wisdom to conduct the investigation



and submit a report in the court below within a period of three months from the date of receipt/production of a copy of this order.”

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Motihari Muffasil P.S. Case No. 55 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, petitioner is directed to cooperate in the trial and if the petitioner fails to appear before the learned court below on two consecutive dates, the learned court below would be at liberty to cancel the bail bond of the petitioner.

(Anjani Kumar Sharan, J)

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