

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72691 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- TAJPUR District- Samastipur

1. YUGAL RAI @ YUGAL RAY S/O Late Lakhan Ray R/O Village Chak Sikandar, P.S- Tajpur, District- Samastipur
2. Balambh Rai @ Balambh Ray @ Raj Balabh Rai S/O Ram Lakhan Ray R/O Village Chak Sikandar, P.S- Tajpur, District- Samastipur
3. Dharmveer Ray @ Dharmaveer Kumar S/O Balambh Rai @ Balambh Ray @ Raj Balabh Rai R/O Village Chak Sikandar, P.S- Tajpur, District- Samastipur
4. Veer Kumar @ Veer Kumar Ray S/O Baban Ray R/O Village Chak Sikandar, P.S- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 At the outset, the learned counsel for the petitioners submits that the petitioner no. 4 has already been arrested during the interregnum period, hence, the present petition *qua* him has been rendered infructuous.

Accordingly, the present petition stands dismissed as not pressed *qua* the petitioner no. 4.

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

This is an application for grant of anticipatory bail in connection with Tajpur PS case no. 205 of 2022, registered for



the offences punishable under Section 307 and other allied sections of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having assaulted the informant and other members of the prosecution side with iron rod, *lathi* etc., resulting in them sustaining grievous injuries. As far as petitioner no. 1 is concerned, he is stated to have assaulted the informant with iron rod while the petitioner no. 2 had assaulted the son of the informant by stick and the petitioner no. 3 had assaulted one Sujeet Kumar with *lathi*.

The learned counsel for the petitioners no. 1 to 3 submits that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted by referring to paragraphs no. 10 to 12 of the present petition that the injuries sustained by the injured persons as a result of the overt act alleged to have been engaged in by petitioners no. 1 to 3 have been found to be simple in nature, hence, benefit of doubt may be given to petitioners no. 1 to 3 for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the specific averment of the learned counsel for the petitioners that the overt act alleged *qua* petitioners no. 1 to 3 has resulted in injuries being sustained by the injured persons, which, upon examination, have been found to be simple in nature, I deem it fit and appropriate to admit petitioners no. 1 to 3 to the privilege of anticipatory bail.

Accordingly, petitioners no. 1 to 3, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.-I, Samastipur in connection with Tajpur PS case no. 205 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

