

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73543 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- SIMRI District- Buxar

1. Ravindra Rai, son of Bhuneshwar Rai Village- Mukundpur Ps- Simri Dist- Buxar
2. Ramraish Rai, son of Bhuneshwar Rai Village- Mukundpur Ps- Simri Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Simri P.S Case No. 241 of 2023 dated 16.07.2023 registered for the offence punishable u/ss 341, 323, 324, 325, 307, 447 and 504 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners along with other co-accused persons holding with *lathi, danda*, iron



rod, *rami* and desi pistol etc came to the informant's house and started abusing and assaulting the informant's brother with intention to kill him who was alone at the house. It is further alleged that they threatened the informant not to file any case, otherwise they would kill him. After the said assault the informant and his brother were lying unconscious. It is further alleged that the accused persons broke the leg of the brother of the informant with iron rod and caused cut injury with axe on elbow.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that there is a delay of 43 days in lodging the F.I.R. from the date of occurrence. Learned counsel has further submitted that there is no specific allegation against the petitioners. It is further submitted that injury nos. 1 to 4 are grievous in nature but which is on non-vital part of the body whereas injury no.5 is simple in nature. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus,



let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Simri P.S. Case No. 241 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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