

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73489 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- MADHAURAH District- Saran

1. MITHILESH KUMAR SON OF SURENDRA RAI R/O VILLAGE- KHALISPUR, P.S.- MARHOWRAH (GOURA O.P.), DISTRICT- SARAN
2. ROHIT KUMAR @ RUDAL RAI @ ROHUT KUMAR SON OF SUBHASH RAI R/O VILLAGE- KHALISPUR, P.S.- MARHOWRAH (GOURA O.P.), DISTRICT- SARAN
3. RABINDRA RAI SON OF SAHDEO RAI R/O VILLAGE- KHALISPUR, P.S.- MARHOWRAH (GOURA O.P.), DISTRICT- SARAN
4. OMPRAKASH RAI SON OF RABINDRA RAI R/O VILLAGE- KHALISPUR, P.S.- MARHOWRAH (GOURA O.P.), DISTRICT- SARAN
5. SANTOSH RAI SON OF RABINDRA RAI R/O VILLAGE- KHALISPUR, P.S.- MARHOWRAH (GOURA O.P.), DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Marhowrah (Goura O.P.) Police Station Case No. 338 of 2022, dated 29.05.2022 disclosing offences under Sections 341/323/324/307/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that in the night of 26.05.2022, the informant and his son were attending a marriage ceremony, where co-accused



Sudhir and the petitioner no. 2 (Rohit Kumar), started abusing them and assaulted the son of the informant. It has further been alleged that the petitioner no. 3 ordered co-accused Sudhir Kumar to assault the son of the informant, upon which co-accused Sudhir Kumar inflicted knife blow in the back of the informant's son.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics and upon perusal of the First Information Report, it would be evident that the specific allegation of assault is not upon the petitioners, but the same is upon co-accused Sudhir Kumar, who has been granted anticipatory bail by a Co-ordinate Bench of this Court, vide order, dated 07.04.2023, passed in Criminal Miscellaneous No. 5182 of 2023.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the allegation against the petitioners is general and ominous in nature and co-accused Sudhir Kumar, upon whom there is allegation of assault by means of knife upon the son of the informant, has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioners



privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, at Chhapra, in connection with Marhowrah (Goura O.P.) Police Station Case No. 338 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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