

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3101 of 2023

Arising Out of PS. Case No.-129 Year-2020 Thana- HATHAURI District- Muzaffarpur

Baliram Rai S/O Late Anup Rai Resident of Village- Banauli, P.S.- Hathauri,
District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Hathauri P.S. Case No. 129 of 2020
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.
He has got no criminal antecedent.

As per the prosecution story, on 13.06.2020 when the
informant along with his son going to school for his work, on
the way, all the FIR named accused persons including this
petitioner surrounded the informant and his son, started abusing
them and also assaulted them and snatched Rs.12,000/- from
pocket of the informant. It is alleged that Sambhu Rai assaulted
on the head of the informant and Baliram Rai assaulted on the
head of his son as a result of which his son sustained grievous



head injury. When the other sons of the informant came to rescue them, accused persons assaulted them also.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the present case is a counter blast of the earlier case lodged by Sambhu Rai. It is further submitted that co-accused Sambhu Rai has already been granted privilege of anticipatory bail in Cr. Misc. No. 43240 of 2022.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the present case is a counter blast of the earlier case lodged by Sambhu Rai, the co-accused of Hathauri P.S. Case No. 122 of 2020, the co-accused Sambhu Rai has already been granted privilege of anticipatory bail in Cr. Misc. No. 43240 of 2022, the FIR in this case has been lodged after lapse of 7 days of the alleged occurrence without there being any explanation and that the petitioner has no criminal antecedent, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Hathauri P.S. Case 129 of



2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, learned J.M. Ist Class, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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