

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2206 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- MAKER District- Saran

1. Chandan Rai @ Chandan Kumar Son Of Ramesh Rai @ Ramesh Prasad Yadav R/O Vill.- Mahesh Chapra, P.S.- Maker, Distt.- Saran At Chapra.
2. Kunal Rai @ Kundan Son Of Ramesh Rai @ Ramesh Prasad Yadav R/O Vill.- Mahesh Chapra, P.S.- Maker, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel appearing on behalf of the informant.

Petitioners apprehend their arrest in connection with Maker P.S. Case No.65 of 2022, registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 427, 379, 354 and 307 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

The petitioners are said to have assaulted the brother of the informant by means of *Katta*. It is also alleged that the petitioners after tying *Gamchha* around the neck of the informant pulled him also.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Petitioners No.2 has got no criminal antecedent and petitioner no.1 has got one criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the postmortem report does not support the prosecution case (Annexure-4 of the bail petition).

The learned APP for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the petitioners by submitting that the petitioners are the main assailants and they also assaulted the family members of the informant.

Considering the fact that postmortem report does not support the prosecution case, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Maker P.S. Case No.65 of 2022, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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