

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12797 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- KOPA District- Saran

Vishwaranjan Rai @ Vishwaranjan Kr. son of Ramdas Prasad Yadav Village-
Mohamadpur Ps- Rivilganj Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 147, 149, 341, 323, 324, 379, 307, 504 and 34 of the
Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant.

4. It is next submitted that informant is married to
Sunita daughter of one Rameshwar Prasad Yadav. It is next
submitted that Sunita was having matrimonial dispute with the
informant and she was assaulted on which she had informed her
father who had come to the place of occurrence with his family
members for settling the dispute for which a *Panchayati* was



also convened, but in the *Panchayati* the side of the informant became aggressive and badly assaulted Rameshwar Prasad Yadav, the father-in-law of the informant. It is next submitted that on account of assault the father-in-law of the informant was hospitalized and his fardbeyan was recorded in the hospital on 06.08.2023 as would manifest from Annexure-2 to the anticipatory bail application based on which Kopa P.S. Case No.168 of 2023 dated 08.08.2023 was instituted.

5. It is further submitted that since the father-in-law of the informant with regard to the occurrence had instituted Kopa P.S. Case No.168 of 2023, as such the informant by way of counterblast instituted the instant FIR with an allegation that the side of the informant was assaulted by the side of his wife and also alleged that this petitioner assaulted his uncle by knife causing injury on neck.

6. The learned counsel for the petitioner submits that no doubt the allegation as alleged in the FIR is serious as the petitioner is alleged to have assaulted the uncle of the informant by knife causing injury on neck which is vital part of the body, but then injuries suffered by the injured is simple in nature. It is further submitted that the petitioner denies the said allegation that he ever came at the place of occurrence and assaulted the



uncle of the informant. It is next submitted that petitioner is neither related to the informant nor to his wife side but is a friend of the father-in-law of the informant, as such he has been falsely implicated. It is further submitted that if what has been alleged in the instant FIR is true, in that event the informant ought to have instituted the FIR instantly but then the FIR came to be instituted on 08.03.2023 i.e. 02 days after the alleged occurrence.

7. It is further submitted that it appears that during the course of assault in between the side of the informant and the side of his wife the uncle of the informant might have received injuries, but the informant taking the same as an opportunity implicated this petitioner who is a person with clean antecedent with a view to coerce his father-in-law into submission.

8. The learned counsel next submits that petitioner will not abscond rather will cooperate in the investigation.

9. The learned APP opposes the anticipatory bail application.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs.10000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Kopa P.S. Case No.167 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after giving him an opportunity of hearing.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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