

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9981 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Rajiv Kumar Son of Bauye Lal Rai @ Baualal Ray R/o vill - Jalalpur, P.S. - Patory, Distt. - Samastipur
2. Bauye Lal Rai @ Baualal Ray Son of Late Bindeshwar Ray R/o vill - Jalalpur, P.S. - Patory, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Om, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Patory P.S. Case No. 539 of 2023 for the offence registered under sections 147, 149, 341, 323, 307, 384 and 379 of the Indian Penal Code lodged on 23.08.2023 by the informant Veer Bahadur Rai.

3. As per the prosecution story, the informant has alleged that the accused persons came to his place and after abusing why they came to his place to demand wages, at the behest of petitioner no. 2, allegation is that the petitioner no. 1, Rajiv Kumar gave 'knife' blows on the head of the informant,



causing injury. The further allegation against other accused persons is of assault and taking away Rs. 12,000/-. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that there is a case and counter case in the matter, his case earlier to the present case. Further, the injury has been found to be simple in nature.

5. Learned APP for the State, on the other hand, submits that a bare perusal of the learned Sessions Judge order would show that multiple injuries have been found on the head of the informant which is a vital part.

6. Taking into account the submissions put forward by the parties, so far as the petitioner no. 1, Rajiv Kumar is concerned, he assaulted on the head and taking into account the observation made by the learned Sessions Judge, he does not deserve anticipatory bail, which is accordingly rejected.

7. So far as the petitioner no. 2, namely, Bauye Lal Rai @ Baualal Ray is concerned, taking into account the fact that there is omnibus allegation against him, he is an aged person and do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner no. 2, namely, Bauye Lal Rai @



Bauelal Ray in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur in connection with Patory P.S. Case No. 539 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2, namely, Bauye Lal Rai @ Bauelal Ray, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2, namely, Bauye Lal Rai @ Bauelal Ray shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner no. 2, namely, Bauye Lal Rai @ Bauelal Ray shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no. 2, namely, Bauye Lal Rai @ Bauelal Ray shall desist from committing any criminal offence



again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Accordingly, the anticipatory bail application of petitioner no. 1, Rajiv Kumar stands rejected and the anticipatory bail application of petitioner no. 2, namely, Bauye Lal Rai @ Bauelal Ray is allowed.

(Rajiv Roy, J)

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