

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12354 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- SAMASTIPUR District- Samastipur

Raja @ Raja Kumar Son of Late Devendra Ray Resident of Village-
Magardahi, Police Station-Samastipur Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 29-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Samastipur Town P.S. Case No. 337 of 2023 dated 06.12.2023 for the offences punishable u/ss 447, 341, 323, 324, 307, 354, 504, 506, 3789 read with Section 34 of the Indian Penal Code and u/s 37(c) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant is a teacher in his brother's coaching. Some girls of his coaching complained to the informant that the petitioner along with the two co-accused persons misbehaved with them in intoxicated condition. Upon which, the informant called the petitioner and



the two co-accused persons to stop them from misbehaving. After that the petitioner along with the two co-accused and 20-25 unknown persons came with arms. The petitioner ordered them to shoot the informant then the co-accused, Govind assaulted the informant with a sharp weapon on his head. The co-accused, Laali assaulted the informant with an iron rod. Thereafter, all the accused persons began to assault the informant with lathi and danda.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that the petitioner is only order giver and he has not assaulted to any one. The specific allegation of assault is against the co-accused persons, Govin and Lalli. As per injury of the injured, the injuries are simple in nature as stated in para 13 of the bail petition. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Samastipur in connection with Samastipur Town P.S. Case No. 377 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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