

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15514 of 2024

Arising Out of PS. Case No.-120 Year-2023 Thana- BAGENGOLA District- Buxar

1. Jitendra Rai @ Jitendar Rai Bahadur Son of Sabhapati Rai Resident of Village- Baradhi, P.S.- Bagengola, District- Buxar
2. Alok Kumar Son of Jitendar Rai Bahadur @ Jitendra Rai Resident of Yadav Toil, Near Shiv Mandir, Kumhrar, Police Station- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bagengola P.S. Case No. 120 of 2023, registered for the offences punishable under Sections 147, 148, 341, 323, 379, 149, 307, 504, 506 of the Indian Penal Code and Sections 27 of Arms Act.

3. As per prosecution case, petitioner No.1 is said to have order giver. It is alleged that petitioners assaulted the informant's son, as a result of which the informant's son sustained injury and there is allegation against petitioner No.2, that he snatched the chain worth Rs.80,000/- from the neck of



informant's daughter and also slapped her.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that there is no injury report which was produced before the I.O. and the allegations are vague and ornamental in nature. There is case and counter case between both the parties as also case was filed by the co-accused, Anikesh Kumar, earlier to the present case. The learned counsel for the petitioners further submits that occurrence took place on 25.11.2023 and the case was lodged on 28.11.2023 as there is considerable delay of 3 days which has not been explained which puts question mark upon authenticity of prosecution story. There is allegation of firing from rifle is not against the petitioner rather allegation is against co-accused. In this way, Section 307 of IPC is not applicable against the petitioner and allegation of Section 379 of IPC is ornamental in nature. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State as well as learned counsel for the informant both have vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the materials available on record and the fact that there is no specific allegation of assault, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vth, Buxar, in connection with Bagengola P.S. Case No. 120 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

sanjeev/-

U		T	
---	--	---	--

