

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13479 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- MALSALAMI District- Patna

1. Bachchan Rai @ Bacha Rai Son of Bhukhlu Rai R/o Mohalla- Damrahi Ghat, Ward NO. 71, P.S.- Malsalami, District- Patna
2. Raushan Kumar Son of Bachchan Rai @ Bacha Rai R/o Mohalla- Damrahi Ghat, Ward NO. 71, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the OP No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 314, 307, 447, 504, 506 and 34 of the Indian Penal Code .

3. Learned counsel for the petitioners submits that the petitioner No. 1 was implicated in a case in the year 2010, but then was acquitted of the charges in the trial. It is further submitted that as of date, petitioners have antecedents of one case which was instituted in the year 2016 and the said case was also instituted by the sister of the present informant. It is next



submitted that from perusal of allegations as alleged in the FIR, it would manifest that the informant alleges that she was assaulted by Bachchan Rai @ Baccha Rai, causing injury on her head, but then it is submitted that the allegation does not inspire any confidence for the reason that had the informant been assaulted in the manner as alleged, then definitely she would have been treated in some hospital, but then the FIR does not even remotely suggest that she was taken to a hospital for treatment, which *prima facie* creates an impression that for some ulterior reason, the petitioner has been implicated. It is next submitted that as far as petitioner No. 2 is concerned, there is no specific allegation against him. It is next submitted that in the order impugned also, the nature of injury has not been described.

4. The learned APP along with the learned counsel for the OP No. 2 opposes the anticipatory application of the petitioners, but then are not in a position to rebut the submission of the learned counsel for the petitioners that had the informant been assaulted in the manner as alleged on head by a sword, then she would have been at least treated in some hospital or by a doctor.

5. Considering the submissions made by the learned



counsel for the petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Malsalami P.S. Case No. 362 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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