

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20702 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- KALYANPUR District- Samastipur

Rakesh Kumar @ Lal Babu Son Of Dev Prasad Ray R/O-Bhagwanpur, P.S.-
Kalyanpur, Distt.-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 73 of 2023, registered for the alleged offence under Sections 341, 323, 385, 379, 307, 338, 504, 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and co-accused assaulted the informant after stopping his motorcycle. They were demanding money from the informant for expenses of Holi. They took away a mobile phone, some cash and a gold chain from the informant and also damaged his motorcycle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as brother of the petitioner, who is co-accused in the



present case was candidate of *Mukhiya* in Panchayat Election, 2021 and the informant is supporter of another candidate and for this reason an altercation took place between them. The injuries of the informant are simple and non-serious but due to pressure, Section 307 IPC has been incorporated in the FIR. The allegation of offence under Section 379 of IPC is ornamental. The injuries are lacerated wound and abrasion, which are superficial in nature and not on any vital part. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-serious nature of injuries of the informant and further considering the possibility of false implication in the given facts and circumstance, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur/concerned court in connection with Kalyanpur P.S.



Case No. 73 of 2023, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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