

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21132 of 2024

Arising Out of PS. Case No.-809 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Parmeshwar Rai @ Parmeshwar Ray S/O Late Yadu Nandan Ray
 2. Chandan Kumar S/O Parmeshwar Ray
 3. Raushan Kumar S/O Jaleshwar Ray
 4. Rakesh Kumar Yadav @ Rakesh Ray S/O Late Shailendra Ray
 5. Ram Dayal Ray S/O Late Yadu Nandan Ray
 6. Rajesh Ray S/O Late Yadu Nandan Ray
 7. Sikinder Rai @ Sikinder Ray S/O Late Yadu Nandan Ray
 8. Jiyalal Ray S/O Late Yadu Nandan Ray
- All Petitioners Are R/O Village- Madvapakar, P.S- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Madhuresh Singh, Advocate
For the Opposite Party/s :	Mr.Kumar Veerendra Narayan, APP
	Mr. Anuj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State along with learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Saraiya P.S. Case No.809 of 2023, F.I.R. dated 27.11.2023 registered for the offence punishable under Sections 341, 342, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. Prosecution case in, short is that on 23.11.2023 the informant was going to Ambwara Chowk then the petitioner and



the other co-accused surrounded the informant and attacked him with *lathi, danda, bhala talwar* and *farsa*. Accused persons assaulted the informant including the petitioner on the head and due to which informant sustained injury. When the brothers of the informant came for rescue the accused persons also assaulted them. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case. Further submits that from perusal of the FIR, it appears that specific allegation of assault is attributed against the petitioner nos.1, 2 and 3 and there is no specific allegation of any assault is attributed against the petitioner nos.4,5,6,7 and 8. He further submits that although the informant has received the injury, but the injury report does not support the allegation as alleged in the FIR and due to previous enmity the present occurrence had taken place and in all the criminal cases, which has been mentioned in paragraph-3 of the bail petition, either filed by the informant or their family members.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners and submits that specific allegation of assault is attributed against



the petitioner nos.1, 2 and 3 and apart from that the petitioner no.1,3,4,5,6,7 and 8 has carries three cases other the present one and petitioner no.2 has carries four cases other than the present, and the petitioners are on bail in all cases, except the petitioner no.2 is in one case.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., IV, West Muzaffarpur in connection with Saraiya P.S. Case No.809 of 2023 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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