

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27558 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- MADHAURAH District- Saran

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1. Guddu Kumar Son Of Sikandar Rai Resident Of Village- Bhuaalpur, Ps-Marhowrah, Dist- Saran
 2. Laxman Rai Son Of Late Nanhku Rai Resident Of Village- Bhuaalpur, Ps-Marhowrah, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Marhowrah P.S. Case No. 131 of 2023 registered under Sections 447, 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code lodged on 09.03.2023 by the informant, Bipin Kumar Rai.

2. As per the prosecution case, the informant alleged that his nephew Rohit was going to the market to purchase



medicine when the accused persons abused and started assaulting. Further, on the order of petitioner no.2 the allegation is that petitioner no.1, Guddu Kumar and Saheb Rai eventually came up on the abdomen of his nephew and assaulted him. They also have video footage to this effect. Accordingly, the F.I.R.

3. Learned counsel for the petitioner accepts that the two petitioners have criminal antecedent. Further, according to him, allegation is against Saheb Rai, Guddu Kumar, so far as Laxman Rai and others are concerned, omnibus allegation given as also of giving order. Further, if granted bail will diligently appear in trial.

4. Learned APP for the State, points out that so far as petitioner no.1 (Guddu Kumar) is concerned, allegation is of standing on the abdomen, assaulting then injured.

5. Taking into account the fact that so far as petitioner no.1 (Guddu Kumar) is concerned, his anticipatory bail application stands rejected.

6. In the case of Laxman Rai, though he has criminal antecedent and is also an order giver, taking into account that no further role has been attributed to him and he is an aged person, this Court is grant him the privilege of anticipatory bail

7. Let the petitioner no. 2, Laxman Rai in the event of



arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 131 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner no. 2, Laxman Rai shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner no. 2, Laxman Rai shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 2, Laxman Rai shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner no. 2, Laxman Rai shall desist from



committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

guddu/-

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