

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28434 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- MAHNAR District- Vaishali

1. Rahul Kumar Rai @ Rahul Rai, aged about 31 years, Male, Son of Laxmi Rai, Resident of Village- Shekhpura, P.S.- Mahanar, Dist.- Vaishali.
2. Bittu Kumar, aged about 26 years, Male, Son of Ram Prasad Ray, Resident of Village- Shekhpura, P.S.- Mahanar, Dist.- Vaishali.
3. Indrajeet Kumar, aged about 22 years, Male, Son of Amar Nath Rai, Resident of Village- Shekhpura, P.S.- Mahanar, Dist.- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahnar P.S. Case No. 181 of 2023 dated 24.06.2023 for the offences punishable under Sections 147, 149, 341, 323, 354 and 379 of the I.P.C.

3. As per the prosecution case, on 23.06.2023, while the sharadh ceremony of the informant's uncle, Narendra Prasad Singh, was going on, at about 8.30 P.M., Rahul Rai (petitioner no. 1), the co-accused Ankit Rai, Bittu Kumar (petitioner no. 2), Indrajeet Kumar (petitioner no.3), the co-accused persons



Subham Kumar, Avinash Kumar, Manoj Mahto and 4-5 unknown persons entered the informant's house with weapons in drunken state and took golden chain and Mangalsutra from the neck of the informant's wife and also took Rs. 35,000/- from the bed. When his wife raised objection, the accused persons thrashed her on the ground after catching her hair. When, she started crying, the informant and others came there, the co-accused Ankit Kumar Rai assaulted with the butt of the katta on the head of Chandan Kumar causing head injury. Rahul Kumar (petitioner no. 1) assaulted the informant with fists and slaps and took golden chain from his neck. The co-accused Shubham Kumar assaulted with fists and slaps to Bipin Kumar and pointed his pistol on his forehead. When the nearby people assembled there the accused persons fled away.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the occurrence took place on 23.06.2023 at about 8.30 P.M. and the F.I.R. has been lodged on 24.06.2023 at about 2.15 and delay in lodging the F.I.R. has not been explained by the prosecution. There is general and omnibus allegation against the petitioners. There is no specific allegation of assault on the informant and his wife



alleged against the petitioners rather is alleged against the co-accused Ankit Kumar and the injury has been found to be simple. The petitioners have one criminal antecedent in which they are on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali, Hajipur in connection with Mahnar P.S. Case No. 181 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7 . The application stands allowed.

(Chandra Prakash Singh, J)

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