

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28185 of 2024

Arising Out of PS. Case No.-768 Year-2023 Thana- AHYAPUR District- Muzaffarpur

1. Rahul Kumar Son Of Durga Sah
2. Durga Sah Son Of Sitaram Sah
3. Raushan Kumar Son Of Durga Sah.
All Resident Of Village- Mahmampur, Ps- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Jyotsna Rani Mishra, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.3, namely, Raushan Kumar.

2. Permission is accorded.

3. Accordingly, the anticipatory bail petition with respect to petitioner No. 3, namely, Raushan Kumar is dismissed as withdrawn.

4. Heard Mrs.Jyotsna Rani Mishra, learned counsel for the petitioners (except petitioner No. 3, namely, Raushan Kumar) and Mr.Awadhesh Kumar Singh, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in



connection with Ahiyapur P.S. Case No.768 of 2023, FIR dated 19.06.2023 registered for the offences punishable under Sections 341,323,324,307,379/34 of the Indian Penal Code.

6. The prosecution case in brief is that on 18.06.2023 at about 12.00 PM the informant was taking his son Amit Kumar on a bike to Patna. When he reached near the saloon of Badal then Rahul Kumar stopped him and started abusing and beating the informant. Durga Sah took out the keys of the informant's Bike and Raushan Kumar hit the informant's son Amit on his head with the knife and when the informant tried to catch the knife then Rahul Kumar hit the informant with the knife on his right hand. Badal Kumar caught hold of informant's hand and Rahul Kumar again hit the informant on his cheek with knife.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. As per FIR, allegation against petitioner, namely, Rahul Kumar is that he started abusing and beating the informant and petitioner, namely, Durga Sah took out the keys of the informant's bike and



main allegation of assault is against co-accused, namely, Raushan Kumar is that he hit the informant's son and there is no specific allegation of any assault or overt-act is attributed against the petitioners and there is case and counter case.

8. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act, let the petitioners, (except petitioner No. 3, namely, Raushan Kumar), 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 bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No.768 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 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 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)

Nitesh/-

U		T	
---	--	---	--

