

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36323 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- BANNUBAGICHA District- Lakhisarai

1. Ashok Das Son Of Harsit Das @ Harikhit Das
2. Rajendra Das Son of Yamuna Das, Both Resident Of Village - Singhaul, P.S.
- Banny Bgicha, District - Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-06-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 323, 341, 307 and 34 of the IPC in connection with Bannu Bagicha P.S. Case No.03 of 2023.

3. The learned counsel for the petitioners submit petitioners are person with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that petitioner no.2 is aged about 66 years. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that the accused persons including the petitioners in a drunken state assaulted the mother of the informant causing injury on head.



4. It is next submitted no doubt the injury was found to be grievous, but then altogether five persons have been made accused in the instant case with an allegation that they in a drunken condition assaulted the mother of the petitioners, but then no motive has been disclosed for the occurrence nor the allegation of assault is specific against any of the accused persons. It is next submitted that though it is alleged that the accused in a drunken condition assaulted the mother of the informant but then the case is not registered under the relevant sections of the excise Act, which further cast an aspersion on the case of the prosecution. It is also submitted petitioners will not abscond rather will cooperate in the investigation.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Bannu Bagicha P.S.



Case No.03 of 2023, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

7. It is made clear that in the event if the Investigating
Officer of the case files an application before the learned trial
court bringing to its notice that petitioners despite giving
assurance to this Court are not cooperating in the investigation,
in that event, the learned trial court shall be at liberty to cancel
the bail bonds of the petitioners after recording reasons.

8. Let a copy of this order be sent to the concerned
P.S. through the learned Trial court.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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