

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35385 of 2024

Arising Out of PS. Case No.-760 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. Rohit Kumar, Son of Manoj Ram @ Manoj Kumar, Resident of village- Manbodh Bigha, (Laraua), P.S - Makhdumpur, Dist- Jehanabad
2. Rahul Kumar, Son of Manoj Ram @ Manoj Kumar, Resident of village- Manbodh Bigha, Laraua, P.S - Makhdumpur, Dist- Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nityanand Neeraj, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Makhdumpur P.S. Case No. 760 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code. The petitioner no. 1 has got one criminal antecedent whereas the petitioner no. 2 has no criminal antecedent.

3. As per the prosecution story, on 14.12.2023 at about 07:00 P.M., when the informant was returning from market and reached his gate, he saw two children quarreling. When the informant tried to pacify the matter, the petitioners assaulted the informant on his head by iron rod. When the



mother of the informant came to save him, she was also assaulted and she became unconscious.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is submitted that the alleged occurrence had taken place in course of a quarrel between the two children. It is further submitted that the victims have suffered one simple injury.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submissions that the allegations against the petitioners are to have assaulted the informant and his mother, however, from the FIR, it would appear that the alleged occurrence had taken place in course of a quarrel between the two children, there is no repetition of blow and the victims have suffered one simple injury, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above-named shall be released on bail in connection with Makhdumpur P.S. Case No. 760 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Class, Jehanabad subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

7. 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 antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

