

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35482 of 2024

Arising Out of PS. Case No.-160 Year-2022 Thana- BAHERA District- Darbhanga

1. Ram Prit Roy Son Of Hemakant Roy @ Hemkant Roy Resident Of Village - Shivram P.S. - Bahera, District - Darbhanga
2. Kundan Roy @ Kundan Son Of Ram Prit Roy Resident Of Village - Shivram P.S. - Bahera, District - Darbhanga
3. Chandan Ray @ Chandan Choudhary Son Of Ram Prit Roy Resident Of Village - Shivram P.S. - Bahera, District - Darbhanga
4. Chhotu Roy @ Prabhat Roy @ Chhotu Kumar Roy @ Prabhat Kumar Roy Son Of Ram Sagar Roy Resident Of Village - Shivram P.S. - Bahera, District - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha
For the Informant	:	mr. Shadab Akhtar
For the Opposite Party/s	:	Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-08-2024 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P for the State.

2. The petitioners are apprehending their arrest in a case in connection with Bahera P.S. Case No. 160 of 2022 dated 28.04.2022 registered for the offences punishable u/ss 143, 341, 323, 308, 379, 504, 307 of the Indian Penal Code.

3. As per the prosecution case, the informant was sitting at the counter of filling centre/ petrol pump then one person came there and got two litres of petrol filled in a bottle. When the Nozal



man asked for money, he refused to give money and started abusing and assaulting. The informant came out from the counter and tried to persuade both of them then he hit the head of the informant with a rod and broke his head. The informant fell down and in the meantime, the said person called through phone to the petitioners and the co-accused persons then they holding lathi and rod came there and exhorted to loot the pump and break it. It is further alleged that the accused persons assaulted the pump owner's sons and injured them. During the scuffle, Chandan Ray (petitioner no. 3) and the co-accused, Ram Sagar Ray took Rs. 50,000/- and mobile phone from the pocket of the informant. It is further claimed by the informant that the reason behind the occurrence is stated to be non-payment of petrol.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners rather the specific allegation of snatching is against the co-accused Ram Sagar Ray. Nothing has been recovered from the possession of the petitioners. It is further submitted that the petitioners have no concern with the alleged offence. The injury of Aakib Khan is stated to be grievous in nature whereas the injuries of Md. Anwar and Sharik Khan are simple in nature as stated in the impugned order. It is further submitted that the injured Md.



Anwar also sustained lacerated injury right side of lateral frontal head measuring 1"x1/4"x1/4". There is no repetition of blow. The petitioners had no intention to cause death of the informant. It is further submitted that the occurrence took place on 26.04.2022 and the injured was examined on 28.04.2022 for which opinion has been kept reserved and after one year of the occurrence i.e. on 27.03.2024 the doctor has opined that the injury is grievous in nature which casts doubt upon the prosecution case. Similarly situated co-accused has already been granted bail by this court vide order dated 17.02.2024 passed in Cr. Misc. No. 9474 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Benipur (Darbhanga) in connection with Bahera P.S. Case No. 160 of 2022, subject to conditions as laid down under section 438(2) of the



Code of Criminal Procedure with further condition :-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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