

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39338 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- GUTHANI District- Siwan

1.

Pappu Kumar Ram @ Pappu Kumar son of Late Ramanand Ram R/o-
Ninijor Ps- Gauthani Dist- Siwan
2.

Ajit @ Ajit Kumar son of Ranjay Ram Village- Bhaskri Ps- Lar Dist-
Deoriya U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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12-07-2024

Heard learned counsel for the petitioners and learned
APP for the State.

2. In this case, the petitioners are apprehending their arrest in connection with Guthani P.S. Case No. 123 of 2022, registered for the offences under Sections 341, 323, 325, 307, 302 and 504/34 of the Indian Penal Code.

3. As per prosecution case, son of the informant was assaulted by the petitioners and other co-accused persons with lathi, danda, bricks and stones causing fracture of his head. Other persons also received injuries in this assault.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case merely on suspicion. No occurrence as alleged has ever taken

place. The FIR has been lodged against 6 named and 15- 20 unknown persons including these petitioners. There is no specific allegation against this petitioners. Informant has not seen the occurrence and no reason has been given for the said occurrence. There is no corresponding injuries as more than 20 persons assaulted the son of the informant but no such injuries were found. There was no occasion for the petitioners to assault the son of the informant as it was the '*Tilak*' ceremony of petitioner no. 1 and petitioner no. 2 was an invitee in the ceremony. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that other persons received injuries in the occurrence and have also named these petitioners along with other co-accused persons for assaulting the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering vague nature of allegation against the petitioner without any substantive material and clean antecedent of petitioners coupled with possibility of false implication, let petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Siwan/court concerned in connection with Guthani

P.S. Case No. 123 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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