

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42579 of 2024

Arising Out of PS. Case No.-429 Year-2023 Thana- BIKRAM District- Patna

1. Sonu Kumar Son of Sri Ramji Ray Resident of Village - Girwari Tola, P.S.- Bikram, District - Patna.
2. Jitendra Kumar @ Chhotu Kumar Son of Shri Mahesh Rai @ Mahesh Prasad Resident of Village - Girwari Tola, P.S.- Bikram, District - Patna.
3. Dharmendra Kumar @ Daroga @ Dharmendra Prasad Son of Shri Mahesh Rai @ Mahesh Prasad Resident of Village - Girwari Tola, P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arunkumar Lal, Advocate
For the State : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-10-2024 Heard Mr. Ramesh Kumar Pandey, learned counsel
for the petitioner and Dr. Ajeet Kumar, representing the State.

2. The petitioners are apprehending their arrest in connection with Bikram P.S. Case No. 429 of 2023 for the offence under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 15.10.2023 by the informant, Sanjay Rai.

3. As per the prosecution, the informant parked his car at the door of Lalan Rai and on the next morning, he found the battery missing. Upon enquiry, it came to notice that these accused persons who are drug addicts committed those petty



theft for their need. When confronted, the allegation is that these accused persons brutally assaulted him causing injury on the head and eye. Accordingly, the F.I.R.

4. In this case, the petitioner had earlier moved before this Court in Cr. Misc. No. 21387 of 2024 for grant of anticipatory bail which was rejected vide order dated 04.04.2024.

5. Learned counsel for the petitioners submits that there is delay of more than 24 hours in lodging of the FIR and to his knowledge, the injury is simple in nature.

6. Learned APP points out that allegation against these three accused persons are of assaulting both on the head as also on the eye which definitely are vital parts. Further petitioner no. 1 also has criminal antecedent and in that background, it would be appropriate that they seek bail.

7. The F.I.R. was lodged on 15.10.2024, one year later the first anticipatory bail application was preferred as stated above, the same came to be dismissed on 04.04.2024.

8. Two months later, this anticipatory bail application has been preferred. This is clear defiance of the rule of law.

9. Accordingly, the second anticipatory bail application also stands rejected.



10. The Senior Superintendent of Police, Patna shall be submitting a report as to how the accused who have been named in the F.I.R. and allegation of assault is/are there are roaming free and are filing repeated anticipatory bail applications. List this case on 06.12.2024 under the heading ‘To Be Mentioned’ to peruse the report submitted by Senior Superintendent of Police, Patna.

11. Let a copy of the order to be communicated to the concerned Officer, the Senior Superintendent of Police, Patna for his perusal and needful.

(Rajiv Roy, J)

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