

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47438 of 2024

Arising Out of PS. Case No.-1071 Year-2023 Thana- BIHTA District- Patna

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1. Ashok Rai S/o Late Ram Jiwan Rai R/o Village Ramnagar, P.S.-Bihta, District-Patna
 2. Kishan Rai @ Krishna Lal S/o Late Ram Jiwan Rai R/o Village Ramnagar, P.S.-Bihta, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar

For the Opposite Party/s : Mr. Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 379, 427 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that he has been living at Ramnagar for the past 13 years and all the accused persons along with 4-5 unknown accused came and Kishan Rai was carrying a shovel and Ashok Rai was carrying an iron rod, thereafter it is alleged that Ashok assaulted the informant by an iron rod causing injury on



head while Sanjeet and Chandan were carrying pistol and they snatched the golden chain of the informant worth Rs. 25,000/-, thereafter Nitesh, Shailesh and Kamlesh demolished the wall of the house of the informant.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case on account of dispute relating to land. It is also submitted that specific allegation of assault is against Ashok Rai. It is next submitted that though it is alleged that Sanjeet and Chandan were carrying pistol, but then no one was injured nor there is any allegation of firing which amply demonstrates that the said allegation has been alleged only to give seriousness to the case and demolishing the wall of the informant is also ornamental. It is further submitted that there is no specific allegation of assault against Kishan Rai.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the order impugned, it would manifest that injury no. 2 of the informant is opined to be grievous, on which the learned counsel for the petitioners submits that the said injury is on chest of the informant, but then there is no allegation of assault on chest by the petitioners. It is also submitted that on



account of dispute relating to land, the present false case came to be instituted while other injuries are simple in nature. It is next submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with P.S. Case No. Bihta P.S. Case No. 1071 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, 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 co-operating in the investigation or are not presenting themselves as and when required in that event the learned Trial Court shall be at liberty to forthwith 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. Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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