

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50370 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- AWTARNAGAR District- Saran

1. BACHCHA RAI SON OF RAM AVTAR RAI RESIDENT OF VILLAGE- KASINA, P S- GARKHA DISTRICT - SARAN AT CHAPRA
2. RAJBALAM RAI @ BALAM RAI SON OF RAM AVTAR RAI RESIDENT OF VILLAGE- KASINA, P S- GARKHA DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar
For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 19-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the informant.

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

3. Learned counsel for the petitioners submits that at the time of filing of the anticipatory bail application, the petitioners were persons with clean antecedent but later petitioner no.1 came to be implicated in a case subsequent to filing of the anticipatory bail application and thus has antecedent of one case. It is next submitted that petitioners have



been falsely implicated on account of dispute relating to land. It is also submitted that from perusal of the allegation as alleged in the F.I.R, it would manifest that the informant alleges that the petitioner no.1 assaulted him with danda, while petitioner no.2 assaulted him with fist and slaps causing injury. It is next submitted that during the course of investigation, it transpired through the account of the eyewitnesses that the injured were coming on a motorcycle when they met with an accident and fell on NH-19 and thereafter the police was informed and the police took the injured to the hospital for treatment. It is further submitted that the date of occurrence is 06.10.2022, the fardbeyan of the informant was recorded on 21.10.2022 at P.M.C.H., Patna i.e. after a delay of more than 16 days. It is thus submitted that in the nature of allegation as alleged in the F.I.R., it does not appear feasible that the injured would have got injured in the manner that led to hospitalization at P.M.C.H., Patna for so many days. It is thus submitted that what has transpired during the course of investigation where the eyewitnesses have stated that the informant along with another person fell on account of an accident which occurred at NH-19 appears to be more plausible leading to injury of the kind which has been found during the course of treatment. It is thus



submitted that the allegation as alleged in the F.I.R. is contrary to what has emerged and transpired during the course of investigation based on account of the eyewitnesses.

4. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but then the learned APP fairly submits that during the course of investigation it has come that the injured met with an accident at NH-19 and the police was informed and accordingly, the injured was taken to the hospital for treatment.

5. The learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel for the petitioner based on what has transpired during the course of investigation.

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 Court below 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 learned trial court where the case is pending/successor court in connection with Autar Nagar



P.S. Case No.262/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners, in the event, if it is found that petitioner no.1 has more than one antecedent and petitioner no.2 also has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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