

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55268 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- GAIGHAT District- Muzaffarpur

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1. Amarnath Rai son of Late Ramfal Rai Village- Gausangar Ps- Gaighat Dist- Muzaffarpur
 2. Suresh Kumar Rai @ Suresh Rai son of Surendra Rai Village- Gausangar Ps- Gaighat Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Gaighat P.S. Case No. 42 of 2024 for the offence registered under Sections 147, 149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code and Section $\frac{3}{4}$ of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent and the informant alleges that the accused persons including the petitioner came and thereafter, Suresh and Amarnath assaulted her with 'daab' causing injury



on head. It is further submitted that the petitioners have falsely been implicated in the instant case by the informant. It is next submitted that petitioner no.1, Amarnath Rai, is aged about 74 years and has been falsely implicated in the instant case for some ulterior reason.

4. Learned APP appearing on behalf of the State opposes the prayer for bail and submits that informant suffered three injuries and the opinion with respect to the injuries have been reserved and the assault was on vital part of the body i.e. head. It is further submitted that hence opinion with respect to the injuries was reserved and as such, the injuries suffered by the injured on vital part of the body must be grievous in nature on which learned senior counsel appearing on behalf of the petitioners submits that the submission of the learned APP is based on surmises and conjectures.

5. Considering the submissions made by the learned senior counsel appearing on behalf of the petitioners, let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st



Class, East Muzuffarpur in connection with Gaighat P.S. Case No. 42 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C.

6. However, the learned Trial Court before accepting the bail bond of the petitioner shall verify the injury report of the injured and in the event, if it is found that the injuries suffered by the injured is/are grievous in nature, in that event, the present anticipatory bail order shall not be given effect too.

(Satyavrat Verma, J)

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