

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65927 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- JAMOBABAZAR District- Siwan

1. Ravish Kumar @ Ravish Kumar Singh @ Rabish Kumar S/O Raj Kumar Singh R/O Village- Pachahatar, Police Station- Jamo Bazar, District- Siwan.
2. Atul Singh @ Gulshan Kumar Singh S/O Rambabu Singh R/O Village- Pachahatar, Police Station- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-10-2024 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, 342, 447, 323, 324, 307, 379, 34 of the Indian Penal Code.

3. As per FIR, on instigation by petitioner no.1, petitioner no.2, along with other co-accused persons, assaulted the informant brutally by means of deadly weapons due to which he sustained injuries. It is further alleged that the accused persons, named in the FIR, are said to be involved in committing theft of motorcycles, mobiles etc and during the alleged occurrence, when the informant got unconscious, they took away Rs.



10,000/- as well as a golden chain from his possession.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is no specific overt act against them. It is further submitted that there is no root cause behind the alleged occurrence, which creates doubt about the prosecution version. He further submits that petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is direct allegation against petitioner no.2 to assault the informant on his head by means of sword in connivance with co-accused Vishal Kumar Singh and Situ Singh, as a result, the informant has sustained grievous injury. Hence, the petitioners do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, since there is no specific overt act against petitioner no.1 as he is mere an order giver, let the above named petitioner no.1,



be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Jamo Bazar P.S. Case No. 143 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, considering the nature of the injury sustained by the informant, I am not inclined to enlarge petitioner no.2 on bail. The prayer for bail of petitioner no.2 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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