

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64958 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

RAHUL KUMAR SON OF RAMDAS MANDAL RESIDENT OF
VILLAGE- NAYATOLA MEERACHAK, PS- SABOUR, DISTT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-02-2024 Heard the parties

2. The petitioner is apprehending arrest in connection with Industrial Area P.S. Case No. 43 of 2023 instituted under Sections 147, 148, 149, 341, 342, 302 and 120(B) of the Indian Penal Code lodged on 10.3.2023 by the informant, Ranju Devi.

3. As per the prosecution story, the informant alleged that the persons along with his friend, Sonu Mandal had gone out on a motorcycle but soon thereafter, Sonu Mandal returned and informed that Hare Ram Mandal and his family members are assaulting the informant's son. As they rushed to the place of occurrence, saw Hare Ram Mandal and his family members assaulting their son. While allegation of assault by rod is on other accused, so far as this petitioner is concerned, the



allegation is that he was assaulted with fists. The reason behind the occurrence is that Hare Ram Mandal was involved in illegal liquor business and they had suspicion that their son used to inform the police. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only to make the FIR graver, the informant has become herself as an eye-witness. According to her, the deceased had gone out on motorcycle with his friend, assault took place, the friend returned home, shouted and then the informant rushed and in that back ground, it is unbelievable that she saw the entire occurrence. It is her further submission that even otherwise, allegation by rod or fire-arm is not on the petitioner rather it has been alleged that he used fists to assault and only because he has criminal antecedent, has been implicated.

5. Learned APP opposes the prayer stating that he has been named in the FIR..

6. Though the allegation is grave, the allegation of main assault is on Rohit Kumar, Sohith Kumar and other accused persons, the reason is illicit liquor business of Hare Ram Mandal, so far as this petitioner is concerned, it has been alleged that he has assaulted by fists, in that background, this Court is inclined to extend him privilege of anticipatory bail.



7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Industrial Area P.S. Case No. 43 of 2023 to the satisfaction of learned Court concerned at Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

8. Nothing observed in the petition, shall be taken up
at the time of trial, as it has been considered only for the
purpose of grant of anticipatory bail.

(Rajiv Roy, J)

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