

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64642 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- MINAPUR District- Muzaffarpur

1. RAJIV RAI @ RAJIV KUMAR SON OF MOHAN RAI RESIDENT OF VILLAGE- TURKI KHARARU, TOLA TEDHA, PS- MINAPUR, DIST- MUZAFFARPUR
2. MUKESH RAI @ MUKESH KUMAR SON OF RAMVRIKSH RAY RESIDENT OF VILLAGE- TURKI KHARARU, TOLA TEDHA, PS- MINAPUR, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha, Advocate
For the Opposite Party/s	:	Mrs.Sangeeta Sharma, APP
For the informant	:	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-02-2024 Heard Mr. Nachiketa Jha, learned counsel for the petitioner and Mr. Ravi Ranjan, learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Minapur P.S. Case No. 280/2022 instituted under sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code lodged on 2.6.2022 by the informant, Pramod Roy.

3. As per the prosecution story, the informant alleged that the accused persons armed variously, on the point of land dispute, came and assaulted. The specific allegation against the petitioner no.1, Rajiv Rai @ Rajiv Kumar is that he gave iron rod blow to the informant, as he tried to stop, his left hand was fractured. The petitioner no.1 also assaulted on his right leg



causing injury. When his nephew, Bhola Rai came to his rescue, allegation amongst other, the petitioner no.2, Mukesh Rai @ Mukesh Kumar is that he gave a blow on his head by rod causing injury. The other accused persons also assaulted and snatched golden chain and ring. Accordingly, the FIR.

4. Earlier the coordinate bench on 17.10.2023 had called for case diary.

5. Learned counsel for the informant has taken this Court to the injury report to show that the injury inflicted by the petitioner no.1, Rajiv Rai @ Rajiv Kumar on the informant has been found to be grievous in nature inasmuch as, the left had was found to be fractured.

6. At this stage, learned counsel for the petitioners submit that so far as the petitioner no.2, Mukesh Rai @ Mukesh Kumar is concerned, although, the allegation is of assault on head of Bhola Rai, the injury has been found to be on his left hand though it has been found to be grievous in nature, as the other accused persons also assaulted, the same cannot be singled out for the petitioner no.1 further, do not have criminal antecedent.

7. Considering the submissions put forward by the parties, so far as the petitioner no.1, Rajiv Rai @ Rajiv Kumar



is concerned, it would be appropriate that he seeks bail after surrendering before the Court concerned, his anticipatory bail application stands rejected.

8. So far as the petitioner no.2, Mukesh Rai @ Mukesh Kumar is concerned, considering that though the assault has been alleged to be on the head, no such injury has been found on the head, as undertaken by the learned counsel for the petitioner he will be diligently appearing in the trial, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner no.2, Mukesh Rai @ Mukesh Kumar 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) each with two sureties of the like amount each in connection with Minapur P.S. Case No. 280/2022 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur 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 no.2 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2, Mukesh Rai @ Mukesh Kumar



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 their bail bond by the Trial Court itself;

(iii) the petitioner no.2, Mukesh Rai @ Mukesh Kumar shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.2, Mukesh Rai @ Mukesh Kumar shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioner no.2, Mukesh Rai @ Mukesh Kumar 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 no.2, Mukesh Rai @ Mukesh Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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