

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65873 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- PAROO District- Muzaffarpur

1. Pankaj Kumar Son of Deolal Rai Resident of Village - Chapra Ash, P.S.- Paroo, District - Muzaffarpur
2. Radha Devi Wife of Deolal Rai Resident of Village - Chapra Ash, P.S.- Paroo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

Mr. Alok Kumar Alok, Advocate

Mr. Vivek Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-10-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Paroo P.S. Case no. 327 of 2023 registered under sections 302, 307, 323, 324, 325, 342, 147, 148 and 504 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the accused persons including the two petitioners herein along with others came variously armed and started to assault the informant and members of his family. Thereafter, it is stated that they assaulted the informant. Further, the informant states that Rambabu Rai and Lalbabu Rai assaulted the informant's



son with a sword as a result of which he sustained grievous injuries. He was taken to the hospital where he was declared dead.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. Referring to the contents of the FIR, it is stated that except for the petitioners having been named amongst the ten accused persons in the beginning of the FIR, so far as the specific overt-acts on the informant and his son Mantosh Kumar are concerned, the petitioners have not been named therein nor have any role been assigned to them. The petitioners have no criminal antecedent and undertake to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only both the petitioners are named in the FIR but it has categorically been stated by the informant that all the accused persons including the two petitioners herein have come variously armed and participated in the occurrence resulting in the death of the son of the informant.

6. Having heard learned counsel for the parties and taking into consideration the nature of the allegation against



these two petitioners in the F.I.R., the specific allegation of overt-act with respect to the deceased being on co-accused Rambabu Rai and Lalbabu Rai and these two petitioners not having been named by the informant as the accused who assaulted him together with the petitioners not having any criminal antecedent, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Paroo P.S. Case no. 327 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Court no.2, West Muzaffarpur, District- Muzaffarpur.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

