

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73901 of 2023

Arising Out of PS. Case No.-508 Year-2020 Thana- RAJAOLI District- Nawada

1. RAKESH KUMAR SINHA son of LATE PRADEEP SINHA RESIDENT OF BLOCK ROAD RAJAULI PS RAJAULI DISTRICT NAWADA
2. JITENDRA KUMAR SINHA @ JITENDRA KUMAR SON OF LATE PRADEEP SINHA RESIDENT OF BLOCK ROAD RAJAULI PS RAJAULI DISTRICT NAWADA
3. RAUSHAN KUMAR SINHA @ RAUSHAN SON OF LATE PRADEEP SINHA RESIDENT OF BLOCK ROAD RAJAULI PS RAJAULI DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP
Mr.Awadhesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 308, 504, 506/34 IPC.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the sons of the informant. Petitioner no.2 gave rod blow on the head of Alok Kumar and petitioner no.1 gave tangi blow on his head. It is alleged that petitioner no.3 assaulted Avinash Kumar with lathi.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that a free fight took place between both the sides over a land dispute. There is an inordinate delay of 14 days in lodging the F.I.R., which creates doubt about the prosecution case. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the petitioners to assault the sons of the informant and the son of the informant namely Alok Kumar, who has been assaulted by the petitioner nos.1 and 2 has sustained grievous injury while the other son of the informant has sustained simple injury.

6. Having regard to the facts and circumstances of the case, since the injury inflicted by petitioner no.3 has been found simple in nature, let the above named petitioner no.3, 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 court below where the case is



pending/Successor Court in connection with Rajauli P.S. Case No.508 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the nature of allegation and the nature of injury inflicted by the petitioner nos.1 and 2, I am not inclined to enlarge the petitioner nos.1 and 2 on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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