

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83066 of 2023

Arising Out of PS. Case No.-443 Year-2018 Thana- MANER District- Patna

1. Arun Kumar Son Of Baleshwar Rai R/O Khaspur, P.S.- Maner, District- Patna Pin 801502
2. Mithun Kumar Son Of Baleshwar Rai R/O- Khaspur, P.S.- Maner, District- Patna Pin 801502

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Krishna Tripathy, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Maner PS Case No. 443 of 2018 dated 01-09-2018, instituted for the offence punishable under Sections 323, 337 and 341/34 of the Indian Penal Code.

3. As per allegation in the First Information Report (for brevity 'FIR'), petitioners assaulted the informant by means of '*lathi*' causing head injury. It is further alleged that accused persons, including the petitioners also assaulted informant's cousin brother, namely, Abhishek Rai, causing injury on his head and nose. It is further alleged that they committed the



occurrence in order to put pressure to compromise the case previously lodged against them.

4. Learned counsel for the petitioners submitted that petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no direct and specific allegation against the petitioners. The allegations against the petitioners are general and omnibus in nature. It is further submitted that both the parties are neighbours. It is next submitted that by the intervention of well-wishers of both parties, the present case was compromised outside the court between the petitioners and the informant, and in this regard, a compromise petition dated 31-01-2022 was filed before the learned court below, which has not been considered. Copy of the same has been annexed as Annexure-2 to the bail petition. The petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM, Danapur, Patna, in Maner PS Case No. 443 of 2018, subject to the conditions



laid down in Section 438(2) of the Code of Criminal Procedure,
1973.

7. The application stands allowed.

(Khatim Reza, J)

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