

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81201 of 2024

Arising Out of PS. Case No.-507 Year-2023 Thana- RAHUI District- Nalanda

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1. Fantush Kumar @ Chhotu Kumar S/o- Nawal Raut Village- Majitpur, PS- Rahui , Dist- Nalanda
 2. Rahul Kumar S/o- Varun Raut Village- Majitpur, PS- Rahui , Dist- Nalanda
 3. Suraj Kumar S/o- Arun Raut Village- Majitpur, PS- Rahui , Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard the learned counsel appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners apprehend their arrest in connection
with Rahui P.S. Case No. 507 of 2023, registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 307
and 504 of the Indian Penal Code, 1860.

3. Allegedly on the fateful day while the informant
along with his family members were returning from the Chhath
Ghat, in the meantime, all the FIR named accused persons
including the petitioners, 10 in number, started abusing and
assaulting them. On account of the assault being made, the

informant and other family members received serious injuries.

4. Learned counsel appearing on behalf of the petitioner submits that there is counter version of the present case being Rahui P.S. Case No. 508 of 2023 instituted against the informant and others. It is submitted that on account of playing vulgar songs both the parties have entered into a scuffle, resulting into injuries to the persons of both the sides. Nonetheless, the prosecution failed to explain injuries sustained to the persons of the petitioners' side. It is further contended that during the course of investigation, no complicity of the petitioners has been found resulting into submission of final report showing the petitioners as innocent. However, differing with the final reports, the learned Jurisdictional Court has taken cognizance for the offences as alleged in the FIR, which necessitate the present application before this Court. The petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the cognizance taken by the learned Jurisdictional Court clearly speaks about the involvement of the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that during the

course of investigation, the complicity of the petitioners have not been found and thus, they have not been sent for the trial, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate in connection with Rahui P.S. Case No. 507 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J.)

Jyoti Kumari/-

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