

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64074 of 2024

Arising Out of PS. Case No.-771 Year-2023 Thana- MANER District- Patna

Chandan Kumar Son of Dev Kumar Rai @ Dev Kumar Singh @ Deo Kumar Singh Resident of Brahmachari Pokhra, P.S. - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 66168 of 2024

Arising Out of PS. Case No.-771 Year-2023 Thana- MANER District- Patna

1. Dharmendra Kumar Son of Dev Kumar Rai @ Dev Kumar Singh @ Deo Kumar Singh Village- Brahmachari Pokhra, Ps- Maner, Dist- Patna
2. Govinda @ Ranjan Kumar Son of Dev Kumar Rai @ Dev Kumar Singh @ Deo Kumar Singh Village- Brahmachari Pokhra, Ps- Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 64074 of 2024)
For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP
(In CRIMINAL MISCELLANEOUS No. 66168 of 2024)
For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Maner P.S. Case No. 771 of 2023 for the offence under Sections 341, 323, 379, 325, 307, 504, 506 and 34



of the I.P.C. lodged on 27.10.2023 by the informant, Murari Rai.

3. As per the prosecution story, informant has alleged that on 27.10.2023, when he came at ply-factory, all the petitioners, variously armed with Lathi, Danda and Iron-rod, surrounded him and started assaulting him by means of Iron-rod, due to which he sustained injuries on his nose and his right eye. It is further alleged that the accused persons tried to take him away at his door and in due course they assaulted him with intention to kill. In the meantime, police arrived on the place of occurrence and saved his life and got him treated in the hospital.

4. Learned counsel for the petitioners submits that the petitioners are quite innocent and they have committed no offence and have falsely been implicated in this case due to malice and grudge. The petitioners are not involved in the entire occurrence as alleged in the F.I.R. by the informant. There is no specific allegation against the petitioners except their name being appeared in accused column of the F.I.R. Learned counsel further submits that the informant of this present case namely, Murari Rai was accused in Maner P.S. Case No. 679 of 2022 dated 22.09.2022 which was lodged against accused person by the uncle of the petitioner with allegation that the present informant and other co-accused threatened the uncle of the



present petitioner and tried to kill him.

5. Learned APP opposes the prayer for bail.

6. From perusal of case diary, it appears that both the parties are *gotiya* and prior to this case so many criminal cases are going on between the parties i.e., Maner P.S. Case No. 435 of 2023, 679 of 2022 and 274 of 2024 have been registered against the informant of this case. Allegation of assault levelled in F.I.R., appears to be general and omnibus in nature. So far as injury is concerned it is mentioned in page 8 of the case diary which suggests about superficial injury, not presently attracting the offence under Section 307 of Cr.P.C. and the opinion has been kept reserved. Keeping in view the aforesaid facts, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Maner P.S. Case No. 771 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-



(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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