

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30470 of 2019**

Arising Out of PS. Case No.-91 Year-2018 Thana- MOHIUDDIN NAGAR District-  
Samastipur

- 
1. Vikash Kumar Son of Brajakishor Ray
  2. Nitesh Kumar S/o Brajakishor Ray
  3. Rakesh Kumar S/O Baidhnath Ray
  4. Shutiya Rai S/O Kari Ray
  5. Pankaj Kumar S/o Kari Ray
  6. Heera Rai S/o Kirat Ray
- All are residents of Village- Kurshaha, P.S.- Mohiuddin Nagar, District-  
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate  
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      16-08-2019                      Heard learned counsel for the petitioners and  
  
learned APP representing the State.

The petitioners apprehend their arrest in connection  
with Mohiuddin Nagar P.S. Case No. 92 of 2018, registered  
under Sections 147, 148, 149, 341, 325, 323, 307, 447, 504,  
379 and 427 of the Indian Penal Code.

The allegation against the petitioners is that the  
petitioners along with other co-accused persons assaulted the  
informant with *lathi*, *danta* and pistol.

Learned counsel for the petitioners submits that both



the parties belong to the same village and the occurrence has taken place due to a dispute in the cricket tournament which was held in village. He further submits that there is case and counter case inasmuch as side of the petitioner have also lodged Mohiuddin Nagar PS Case No. 112 of 2018.

Learned counsel for the petitioners relying on Annexure – 3, which is injury report of Sushil Kumar and Mukesh Kumar submits that injury caused to Sushil Kumar is simple in nature and with regard to the injury caused to Mukesh Kumar, the doctor opined and mentioned that it is simple for the present.

On the other hand, learned counsel for the informant as well as the State submits that all the petitioners have assaulted the informant and one Mukesh Kumar and during course of investigation it has come to light that he was assaulted by Ghutiya Rai (Petitioner No.4). He further submits that Mukesh Kumar was referred to PMCH for further treatment and injury found by the doctor upon Mukesh Kumar was grievous in nature.

After having heard learned counsel for the parties and taking into consideration the fact that injury caused by one Ghutiya Rai to Mukesh Kumar is grievous in nature, I am not



inclined to grant anticipatory bail to the petitioner no.4.

This application is, accordingly, dismissed.

So far the petitioner nos. 1, 2, 3, 5 and 6 are concerned, after having heard learned counsel for the parties and taking into consideration the fact that petitioner no.1, 2, 3, 5 and 6 caused injury to the informant Sushil Kumar which is simple in nature and there was dispute with regard to game of cricket between the parties, I am inclined to grant anticipatory bail to the petitioner nos. 1, 2, 3, 5 and 6

This application is, accordingly, allowed.

Let the petitioner nos. 1, 2, 3, 5 and 6, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 91 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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