

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25403 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- AKILPUR District- Saran

1. ADITYA KUMAR S/o Surendra Rai Resident of Village Harshyamchak, P.S. - Akilpur, District - Saran at Chapra.
2. Jitendra Rai S/o Badari Rai Resident of Village Harshyamchak, P.S. - Akilpur, District - Saran at Chapra.
3. Bishwanath Rai S/o Late Sudh Rai Resident of Village Harshyamchak, P.S. - Akilpur, District - Saran at Chapra.
4. Bittu Kumar S/o shambhu Gop Resident of Village Harshyamchak, P.S. - Akilpur, District - Saran at Chapra.
5. Wakil Rai S/o Ram Pravesh Rai Resident of Village Harshyamchak, P.S. - Akilpur, District - Saran at Chapra.
6. Goutam Kumar S/o Gobardhan Rai Resident of Village Harshyamchak, P.S. - Akilpur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Akilpur P.S. Case No. 23 of 2021 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 337, 338 and 354(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substance Act.

As per the prosecution story, the allegation is that



when the informant's cousin sister were going to attend the call of nature, the petitioner no. 1 started teasing her and upon her '*hulla*', he fled away. Thereafter, it is alleged that when this was informed to his family members, they did not pay attention and when the informant's side tried to go to the police station, they were surrounded and further allegation is of assault in which so far as the petitioner no. 6 is concerned, he opened fire while petitioner no. 2 threw bomb causing simple injuries to four persons from the informant's side.

As per the last order dated 11.11.2022 passed by the co-ordinate Bench so far as the petitioner no. 5, Wakil Rai is concerned, learned counsel for the petitioners submits that he has already withdrawn his prayer for anticipatory bail.

Learned counsel for the petitioners further submit that so far as petitioner nos. 3 & 4 are concerned, there is no specific allegation of assault. However, regarding petitioner no. 1, he is a young boy and only allegation is of teasing and he being a student, the same may be considered. He further submits that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- each



to all the four injured totaling of Rs. 40,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Learned APP for the State opposes the prayer for anticipatory bail.

Taking into account the fact that there is specific allegation of firing and throwing bomb on petitioner nos. 2 and 6, namely, Jitendra Rai and Goutam Kumar, this Court is not inclined to grant them the privilege of anticipatory bail which is accordingly rejected.

So far as petitioner nos. 1, 3 & 4, namely, Aditya Kumar, Bishwanath Rai and Bittu Kumar are concerned, taking into account the fact that while petitioner nos. 1 & 4 are young boys, the petitioner no. 3 is an old person, they do not have criminal antecedent and further allegation of assault is/are not against them, this Court is inclined to grant them relief subject to payment of Rs. 10,000/- each to the four injured totaling to Rs. 40,000/- as stated above.

In the aforesaid circumstances, petitioner nos. 1, 3 & 4, namely, Aditya Kumar, Bishwanath Rai and Bittu Kumar, in the event of arrest or surrender within a period of four weeks



from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saran at Chapra in connection with Akilpur P.S. Case NO. 23 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha-

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