

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37105 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- PHULWARISHARIF District- Patna

1. RAJ KUMAR @ RAJESH KUMAR SON OF LATE RAMNARAYAN RAI @ RAYNARAYAN RAI RESIDENT OF VILLAGE- BHUSAULA (DANAPUR, POKHAR PER), P.S. PHULWARI SHARIF, DISTRICT- PATNA
2. SURAJ KLUMAR SON OF RAJENDRA RAI RESIDENT OF VILLAGE- BHUSAULA (DANAPUR, POKHAR PER), P.S. PHULWARI SHARIF, DISTRICT- PATNA
3. DHARAMVEER KUMAR SON OF RAJENDRA RAI RESIDENT OF VILLAGE- BHUSAULA (DANAPUR, POKHAR PER), P.S. PHULWARI SHARIF, DISTRICT- PATNA
4. GAUTAM KUMAR SON OF RAJENDRA RAI RESIDENT OF VILLAGE- BHUSAULA (DANAPUR, POKHAR PER), P.S. PHULWARI SHARIF, DISTRICT- PATNA
5. DILIP KUMAR SON OF LATE DEVENARAYAN RAI RESIDENT OF VILLAGE- BHUSAULA (DANAPUR, POKHAR PER), P.S. PHULWARI SHARIF, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar
For the Opposite Party/s : Mr. Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Phulwarisharif Police Station Case No. 359 of 2023, dated 10.03.2023, disclosing offences under Sections 147/148/149/341/448/323/379/307 of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case, on the basis of the First Information Report, is that the petitioners along with other accused persons, total fifteen in numbers, arrived at the door of the informant's house armed with lathi, danda, bricks and stones, started abusing and pelting stones, upon protest being made by the informant, the co-accused persons, namely, Jitendra Kumar, Chunnu Kumar, Prakash Kumar and Pradeep Kumar resorted to firing due to which Rupa Kumari and Yuvraj Kumar sustained fire arms injury on their neck and leg.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to land dispute between the parties and the allegation against the petitioners is general and omnibus in nature. He further submits that all the petitioners are students and specific allegation of firing is upon other four accused persons. There is a counter case, Phulwarisharif P. S. Case No. 358 of 2023, filed by the side of the petitioner.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioners were members of the unlawful assembly, who arrived at the door of the informant, abused him, pelted stones and resorted to firing.



Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the allegation against the petitioners is general and omnibus in nature, specific allegation is upon other accused persons, there is a case and counter case and there is a land dispute between them, accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna, in connection with Phulwarisharif Police Station Case No. 359 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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