

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38263 of 2023

Arising Out of PS. Case No.-877 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Bitan Kumar @ Bittan Kumar @ Bitan @ Raj Kumar, Son of Mithilesh Prasad,
2. Ashish Kumar @ Ashish, Son of Akhilesh Yadav @ Akhilesh Kumar,
3. Sunny Kumar @ Sonny Kumar @ Sunny Pandey @ Sunny Pare, Son of Bharamdev Parjapat @ Brahamdeo Prajapat @ Pothiya
4. Rohan Kumar, Son of Mohan Prasad

All are residents of Village - Jagdishpur, P.S.- Gaya Muffasil, District- Gaya and the petitioner no.4 is permanently resident at Village - Khilanganj, P.S.- Nashriganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 877 of 2022 dated 02.11.2022, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 337, 427, 448, 153, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other FIR named accused persons along with 20-25 unknown miscreants armed with rod, *danda*, bricks, stones entered into



the house of the informant and assaulted the informant and his family members causing injuries to them. They also damaged the household articles and bike of the informant. The occurrence took place in the background of dispute over blasting the firecrackers in front of the house of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The true fact of the case is that on the date of alleged occurrence, about 18 persons including the informant and his family members and 20-25 unknown persons came to the house of the petitioner no.3 and started pelting stones and bricks and threatened to kill them and set their house on fire. When the mother of the said petitioner opposed their act, they assaulted her and looted the household articles. For the said occurrence, Gaya Muffasil P.S. Case No.878/2022 has been lodged against the informant and others by the mother of the petitioner no.3. The case of the informant is only a counterblast. Moreover, there is no specific allegation of any overt act against the petitioners and only general and omnibus allegations have been levelled against 7 named accused persons and 20-25 unknown persons. The learned counsel further submits that it is a case of false implication as the petitioners were not present at their village



and they were at Gaya on the date of alleged occurrence. All the petitioners are students. The learned counsel further submits that the injury reports of five injured persons have been produced and from perusal of the same, it is apparent that their injuries are simple in nature and there is no injury report for one of the alleged victims namely, Manzer Hussain. The learned counsel further submits that now the good sense has prevailed and the petitioners' side and the informant's side have compromised the matter and filed a joint compromise petition in the learned court below.

5. Learned APP opposes the prayer for anticipatory bail submitting that the FIR has been registered under Section 307 and other allied sections of the Indian Penal Code and the petitioners are named in the FIR for assaulting the informant and his family members.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and the injuries are stated to be simple in nature and further considering the possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Muffasil P.S. Case No. 877 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

