

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42502 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- HILSA District- Nalanda

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1. SANTOSH KUMAR son of Nathun Prasad @ Nathun Yadav Resident of Village- Yarpur Ke Tola Lalse Bigha PS - Hilsa Dist. - Nalanda
 2. Sudhir Prasad son of Nathun Prasad @ Nathun Yadav Resident of Village- Yarpur Ke Tola Lalse Bigha PS - Hilsa Dist. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-07-2023 1. Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1, namely, Santosh Kumar.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to petitioner no. 1 is dismissed as withdrawn.
4. Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.
5. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 448, 341, 323, 307, 380 and 504/34 of the Indian Penal Code.
6. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 is a person with clean antecedent.



7. The informant alleges that accused persons including the petitioner no. 2 came, called her a witch, abused and humiliated her thereafter Santosh Kumar pulled her *Saree* making her semi naked, Sudhir Prasad (petitioner no. 2) assaulted her mother-in-law Birancha Devi on the head by butt of pistol causing injury on left hand as she tried to save herself, Suman Kumar and Shravan Kumar assaulted her sister-in-law indiscriminately and thinking her to be dead left her and looted Rs.2 lakhs.

8. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 has been falsely implicated in the present case. The date of occurrence is 10.01.2023 and the FIR came to be instituted on 14.01.2023 i.e. after a delay of four days without any plausible explanation. It is further submitted that Hilsa P.S. Case No. 884 of 2022 was instituted by the petitioner no. 2 against the husband of the informant on account of which he came to be implicated falsely. It is next submitted that allegation against Suman Kumar and Shravan Kumar of snatching chain worth Rs.90,000/- and Rs.30,000/- from the sister-in-law of the informant is ornamental in nature.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2 and submits that from



perusal of the injury report of Birancha Devi, it manifests that she received grievous injury though the injury is not on the vital part of the body but then it records that there was a fracture on the hand.

10. Considering the submissions made by the learned A.P.P., the Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 2 in connection with Hilsa P.S. Case No. 16 of 2023 pending in the Court of learned I/C Additional Chief Judicial Magistrate, Hilsa, Nalanda/successor Court.

11. Accordingly, the prayer for anticipatory bail of petitioner no. 2 is rejected.

(Satyavrat Verma, J)

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