

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52549 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- HISUWA District- Nawada

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1. Bittu Kumar Son Of Manoj Sharma Village Maulanagar, Ps- Hisua, Dist- Nawada
 2. Navlesh Sharma @ Naulesh Kumar Son Of Chandramauli Sharma Village Maulanagar, Ps- Hisua, Dist- Nawada
 3. Bittu Kumar @ Chhotu Kumar Son Of Rajkumar Sharma Village Maulanagar, Ps- Hisua, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 379, 307, 324, 325 & 427 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against 9 named and 8-10 unknown accused persons who have stopped the Tata Tiago vehicle of the informant and started abusing. The allegation of assaulting by iron rod is also there on the head of the informant by accused no. 2, Bittu Kumar.

4. Learned counsel for the petitioners submits that the present F.I.R. has been lodged for the occurrence dated 27.05.2023. Counsel submits that the informant's side have entered in the house of the petitioners' side on 26.05.2023 in the evening about 6 P.M. and assaulted series of persons including the daughter of the petitioner of Hisua P.S. Case No. 266 of 2023 and brutally assaulted the family members.

5. Learned counsel for the petitioners further submits that the specific pleading has been made by the petitioners in paragraph 12 of the anticipatory bail petition that there is a Daroga in the family of the informant's side and they came at the house of the petitioners and brutally assaulted them and their family members in which 7 persons sustained injury, even the girl whose marriage was being solemnized was also assaulted by the prosecution party.

6. Learned counsel for the petitioners further submits that he has annexed copy of the injury report as Annexure- 4. Counsel submits that the present F.I.R. basically has been filed with a view to create the defence for the occurrence took place on 26.05.2023. The present F.I.R. has been lodged when the informant received information that petitioners party have filed criminal case against them, then they filed the present case later

on 29.05.2023 for the offence took place on 26.05.2023.

7. Learned A.P.P. for the State opposes the prayer for bail.

8. In the present facts and circumstances of the case and the submissions made above, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IVth, Nawada, in connection with Hisua P.S. Case No. 268 of 2023, dated 29.05.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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