

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54506 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- HISUWA District- Nawada

1. Rajballav Yadav @ Pritam Raj @ Rajballav Kumar Son Of Birendra Kumar @ Bijendra Yadav Resident Of Village - Maula Nagar, P.S. - Hisua, District - Nawada
2. Chhotu Kumar @ Mukesh Kumar Son Of Vijay Yadav Resident Of Village - Maula Nagar, P.S. - Hisua, District - Nawada

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manisha Prakash, Adv.
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioners, learned
APP for the State and counsel for the informant.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 325, 379, 354B, 354D & 307 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged against 7 named accused persons with allegation that when the informant's side went for puja at *Devi Sthan*, in the meantime, the petitioners' side started firing by riffle and caused injury to the informant's side. The specific allegation against the petitioners is that they have attacked on the head of one

Kanchan Devi and caused injury to her.

4. Counsel for the petitioner submits that both the informant and petitioners' are resident of same village. The present dispute is the result of petty dispute for playing song on D.J.

5. Counsel further submits that for the same date and place of occurrence, there are 2 cases, one case bearing Hisua P.S. Case No. 266 of 2023 has been filed by the informant's side and another case i.e., Hisua P.S. Case No. 268 of 2023 filed by the petitioners' side.

6. Counsel further submits that the injury took place from both the sides.

7. Learned APP for the State opposes the prayer for bail and submits that out of 2 petitioners, there is specific allegation against the petitioner No.1 to cause injury on head.

8. Counsel for the informant vehemently opposes the prayer for bail and submits that there is one person working on the post of *Daroga* and another person is working in *Military* and due to which they want to rule in the village.

9. Counsel further submits that on the intervention of the villagers, the matter was resolved between the parties, but subsequently, the petitioners' side have attacked on the

informant's side due to which the present case has been filed.

10. Counsel for the petitioners in reply submits that in the case filed by the informant's side, 3 persons were granted bail. Counsel also submits that the injury which is alleged to be caused in the F.I.R. upon Kanchan Devi, is simple in nature, but due to the problem in the computer system, the said injury could not be filed before the court.

11. In the facts and circumstances and submissions made above, let the above-named petitioner No.2 be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, VIth Nawada in connection with Hisua P.S. Case No.266 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

12. So far as the petitioner No. 1 is concerned, this Court is not inclined to extend the privilege of anticipatory bail to him in connection with Hisua P.S. Case No.266 of 2023 to the satisfaction of learned ACJM, VIth Nawada.

13. Accordingly, the prayer for anticipatory bail with respect to petitioner No. 1 stands rejected.

14. However, the learned Court below shall consider the prayer for regular bail of the petitioner No. 1, if he shall surrender within a period of six weeks and the learned below court is also directed to see injury report and decide this matter of bail on the merit of the case without prejudice from the order of the rejection passed by this Court.

(Dr. Anshuman, J.)

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