

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76290 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- SHERGHATI District- Gaya

1. Abhishek Kumar, S/O Vishnudeo Singh, R/O Village- Viza, Ps. Dobhi, Dist. Gaya
2. Ranjan Kumar @ Rishi Ranjan Kumar, S/O Vishnudeo Singh, R/O Village- Viza, Ps. Dobhi, Dist. Gaya
3. Gyani Kumar S/O Vishnudeo Singh R/O Village- Viza, Ps. Dobhi, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Priya Ranjan, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Sherghati (Dhoti) P.S. Case No. 278 of 2023, registered for the offences punishable under Sections 341, 342, 323, 307, 498, 380, 427 and 34 of the Indian Penal Code.

3. It is alleged that the petitioners and other accused persons armed with deadly weapons, started abusing the informant and others. When protest was made, all the F.I.R. named accused persons including the petitioners assaulted the informant and his mother. It is specifically alleged that the



petitioner no. 2 Ranjan Kumar @ Rishi Ranjan Kumar assaulted the mother of the informant by means of iron rod, due to which she sustained grievous injuries. Further allegation of assault and snatching the valuables has been leveled against other accused persons.

4. Learned counsel appearing on behalf of the petitioners submits on behalf of the petitioners that from the narrations made in the F.I.R., it is evident that the occurrence took place on 13.02.2023 but the present F.I.R. has been instituted after delay of two days on 15.03.2023 and, as such, deliberations cannot be ruled out. He further submits that barring the specific allegation against the petitioner no. 2, there is general and omnibus nature of allegation against all the accused persons including the petitioner nos. 1 and 3. He next submits that in fact on account of a petty dispute, a scuffle took place between the persons of both the sides resulting into unfortunate injury to the mother of the informant. He next submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been leveled against the petitioner no. 2, that he



brutally assaulted the mother of the informant causing grievous injuries .

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is a specific allegation of assault against the petitioner no. 2 resulting resulting into grievous injury to the mother of the informant, this Court is not persuaded to enlarge the petitioner no. 2 on the privilege of anticipatory bail, thus, his prayer stands rejected. So far the petitioner no. 1 and 3 are concerned, there is omnibus nature of allegation coupled with the delay in the F.I.R. and their fair antecedent, let the petitioner no. 1 and 3 be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief judicial Magistrate in connection with Sherghati (Dhoti) P.S. Case No. 278 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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