

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12216 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- WARISNAGAR District- Samastipur

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1. Nitish Kumar Son of Pramod Ray Resident of vill.-Mokhtiyarpur, P.S.-Dalsinghsarai, Distt.-Samastipur
 2. Rahul Kumar Son of Tilak Ray Resident of Vill.-Mokhtiyarpur, P.S.-Dalsinghsarai, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap
For the Opposite Party/s : Mr. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 12-03-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Warisnagar Police Station Case No. 101 of 2023, disclosing offences under Sections 147, 148, 149, 341, 323, 307, 427, 379, 504, 506 of the Indian Penal Code.
3. As per the First Information Report, on 30.03.2023, at about 11:00 am, while the informant visited the Sadar Hospital Campus, where he was supplying sand and stone chips, the petitioners along with other accused persons



entered into the house of the informant, inquired about him and petitioner No. 2 demanded a donation of Rs. 1 lac for the performance of yajna which was arranged in the village. On the same date in the night at about 10:00 pm, all the accused persons along with the petitioners arrived at the house of the informant assaulted the informant and his family members by means of iron rod and stick and petitioner No. 1 outraged the modesty of the daughter of the informant and petitioner No. 2 outraged the informant's daughter modesty as well as assaulted the informant and his family members.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case on the basis of a concocted story. According to the petitioners, on 30.03.2023, in the night Astjaam Mahayajna was going on in the locality. The trucks owned by the informant's for the purpose of transportation of building material were passing through the place continuously and was creating disturbance in the yajna. The villagers asked the informant to stop the movement of truck as the yajna was going on but the informant did not agree and one of the trucks of the



informant dashed the bicycle of co-accused Tridev Ray intentionally. The informant also assaulted one Ajay Kumar on his head by means of iron rod and the informant's daughter snatched gold chain from the neck of the co-accused Vikki Kumar and Rs. 10,000/-. For this incident, an FIR bearing Warisnagar P.S. Case No. 100 of 2023 has been lodged by one Ajay Kumar. Learned counsel next submits that allegation of demand of huge amount as donation for the yajna is not correct which would be evident from the counter case filed by the side of the petitioners/villagers. The petitioners are having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is case and counter case between the parties for an occurrence which has taken place on the same date, both sides have levelled allegation and counter allegation and the injury caused to the informant and her daughter have not been brought on record by the prosecution, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur, in connection with Warisnagar Police Station Case No. 101 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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