

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12660 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- KALYANPUR District- Samastipur

1. Rahul Kumar S/o Bijay Ray R/o Madhuban, ward no. 17, P.o and p.S. - Kalyanpur, Distt. - Samastipur
2. Rohit Kumar @ Rohit Ray S/o Bijay Ray R/o Madhuban, ward no. 17, P.o and p.S. - Kalyanpur, Distt. - Samastipur
3. Navin Kumar @ Navin Ray S/o Bijay Ray R/o Madhuban, ward no. 17, P.o and p.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 303 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 427, 504 & 506 of the Indian Penal Code.

3. Prosecution case in short is that informant was assaulted by accused persons including the petitioner by various means. It is further alleged that petitioner No. 1 has assaulted the informant by means of iron rod and petitioner No. 2 has assaulted the informant by means of *farsa*.



4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence as alleged against them and have falsely been implicated in the present case due to dirty village politics and ill motive of the informant. Parties are agnates. From perusal of the impugned order, it would reveal that there is case and counter case between the parties and there is subsisting land dispute between them. Petitioners have no criminal antecedent. It is submitted that there is no specific allegation against the petitioner No. 2 rather allegation is general and omnibus.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that there is specific allegation of assault against petitioner No. 1 and petitioner No. 3 by means of iron rod and *farsa*, respectively, due to which informant sustained grievous injuries.

6. Considering the rival submissions made by the learned counsel for the parties, let the ***petitioner No. 2***, namely, ***Rohit Kumar @ Rohit Ray***, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 303 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. So far as petitioner No. 1 and petitioner No. 3 are concerned, there is specific allegation of assault upon the informant, and as such, I do not think it a fit case for grant of anticipatory bail, which is hereby *rejected as against petitioner No. 1 and petitioner No. 3.*

(Rudra Prakash Mishra, J)

Raj Kishore/-

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