

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16764 of 2024**

Arising Out of PS. Case No.-520 Year-2023 Thana- MADANPUR District- Aurangabad

1. Raj Kumar @ Rajkumar Bhuiyan @ Rajkumar Rikiyasan Son of Arjun Bhuiyan Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)
2. Ajay Rikiyasan Son of Arjun Bhuiyan Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)
3. Pintu Kumar Son of Arjun Bhuiyan Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)
4. Rakesh Kumar Son of Arjun Bhuiyan Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)
5. Gyanti Kumari @ Gyanti Devi Daughter of Arjun Bhuiyan Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)
6. Usha Kumari @ Usha Devi Wife of Rajkumar Bhuiyan Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)
7. Puja Kumari Wife of Pintu Kumar Resident of Village- Nawadih, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Aman Vishal, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      22-03-2024                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. At the outset, learned counsel for the petitioners submits that in view of arrest of petitioner nos, 3 and 7, namely, Pintu Kumar and Puja Kumari, during pendency of the present application, the same has become infructuous.

3. Accordingly, the anticipatory bail application with



regard to petitioner nos. 3 and 7 is dismissed as withdrawn.

4. Learned counsel for the petitioners seek permission to withdraw the application with regard to petitioner nos. 1 and 2, namely, Raj Kumar @ Rajkumar Bhuiyan @ Rajkumar Rikiyasan and Ajay Rikiyasan, as they are said to be the main assailant of the case.

5. As prayed, the application with regard to petitioner nos. 1 and 2 is dismissed as withdrawn.

6. The application now confines only with regard to petitioner Nos. 4, 5 and 6.

7. The petitioners apprehend their arrest in connection with Madanpur P. S. Case No. 520 of 2023 dated 29-11-2023, instituted for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 302, 379, 325 and 504 of the Indian Penal Code.

8. The case of prosecution, in short, is that the named accused persons, including the petitioners armed with iron rod, khanti, axe, lathi, have assaulted the prosecution party and caused severe injuries to them, and the father of the informant, namely, Yamuna Ram (deceased) succumbed to the said injury during the course of treatment.

9. Learned counsel for the petitioners submits that the



petitioner Nos. 4, 5 and 6 are innocent and they have been falsely implicated in this case. It is submitted that there is no allegation of assault against petitioner Nos. 5 and 6. So far petitioner No. 4, namely, Rakesh Kumar, is concerned, he is said to have assaulted the informant and his brother, namely Srinivas Bhuiyan, with iron rod on his head. It is further submitted that there is no mention of the injury of the injured, namely, Srinivas Bhuiyan, who is said to be brother of the informant in the impugned order. It is also submitted that there is case and counter case between the parties. Father of petitioner Nos. 1 to 4 has also lodged FIR against the informant and others vide Madanpur PS Case No. 519 of 2023 dated 28-11-2023 for offences punishable under sections 341, 323, 324, 504, 506 and 34 of the IPC. Lastly, it is submitted that petitioners have no criminal antecedents.

10. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner Nos. 4, 5 and 6, namely, Rakesh Kumar, Gyanti Kumari @ Gyanti Devi and Usha Kumari @ Usha Devi within a period of six weeks from



today, in connection with Madanpur P.S. Case No. 520 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Aurangabad,(Bihar) or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

12. The application stands allowed.

(Khatim Reza, J)

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