

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24429 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- DINARA District- Rohtas

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1. ALOK KUMAR S/O PRAMOD SINGH R/O VILLAGE- KOCHAS, P.S- KOCHAS, DISTT.- ROHTAS.
 2. PRINCE KUMAR S/O KAMLESH SINGH R/O VILLAGE- SAROSHER, P.S- DINARA, DISTT.- ROHTAS.
 3. CHANDAN KUMAR S/O KAMLESH SINGH R/O VILLAGE- SAROSHER, P.S- DINARA, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Rajesh Kr. Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2024 Heard learned counsels for the parties.

2. At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 1, namely Alok Kumar, as during pendency of this case, Petitioner No. 1 has already been arrested and the same has become infructuous.

3. Permission accorded.

4. The anticipatory bail application on behalf of Petitioner No. 1 is dismissed as withdrawn.

5. Petitioner Nos. 2 and 3 apprehend their arrest in a case registered for the offence punishable under Sections 147,



148, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code.

6. As per the prosecution case, on the alleged date and time of occurrence, while the informant was returning home, all the F.I.R. named accused persons, including these petitioners, intercepted him on point of pistol, assaulted him and snatched away gold chain and ring from the informant. Petitioner No. 3 is alleged to have assaulted on head of informant by means of butt of pistol.

7. It is submitted by learned counsel for the petitioners that allegation of assault is general and omnibus and petitioners have falsely been implicated in this case. As a matter of fact, on the alleged date and time of occurrence, there was *tilak* ceremony in house of these petitioners and their involvement in the alleged occurrence is impossible. Petitioners claim clean antecedents.

8. However, learned A.P.P. for the State and learned counsel appearing on behalf of informant have vehemently opposed the prayer for grant of anticipatory bail of these petitioners and submitted that these petitioners are named in the F.I.R.. It is further submitted that there is specific accusation of assault by butt of pistol against Petitioner No. 3 and doctor has



found the injury sustained by the informant to be grievous in nature.

9. Considering the aforesaid facts and circumstances, specific accusation of assault and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to Petitioner No. 3 is rejected.

10. So far as Petitioner No. 2 is concerned, considering the rival submissions, facts and circumstances of the case, nature of accusation and clean antecedents, the prayer for grant of anticipatory bail to Petitioner No. 2 is allowed.

11. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named Petitioner No. 2 be enlarged 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 A.C.J.M., Bikramganj, Rohtas, in connection with Dinara P.S. Case No. 41 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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