

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23632 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BIHTA District- Patna

Sonu Kumar, Son of Vinod Rai, R/o Village - Laxmanpur, P.S.- Bihta, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 24356 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BIHTA District- Patna

Chandan kumar, Son of Baleshwar Rai, Resident of village- Bhagwatipur, P.S.-Bihta District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 23632 of 2024)
For the Petitioner/s : Mr.Yogesh Kumar
For the Opposite Party/s : Mr.Rajendra Prasad Nat
(In CRIMINAL MISCELLANEOUS No. 24356 of 2024)
For the Petitioner/s : Mr.Yogesh Kumar
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-07-2024 Heard the learned counsel for the

petitioners as well as the learned Additional Public

Prosecutor for the State.

2. The petitioners apprehend their arrest in

connection with Bihta P.S. Case No. 249 of 2023,

registered for the offences punishable under



Sections 341, 342, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case in nutshell is that while the informant and his brother, namely, Harendra Rai along with other family members were having dinner, in the meantime, petitioners along with other co-accused persons, variously armed, came there and started assaulting by means of knife, pistol, iron rod due to which informant and his brother sustained injury. It is further alleged that Chandan Kumar (petitioner in Cr. Misc. No. 24356 of 2024) assaulted the brother of informant, namely, Harendra Rai with knife on his stomach due to which he succumbed to injuries in course of treatment and Sonu Kumar (petitioner in Cr. Misc. No. 23632 of 2024) assaulted the informant by means of iron rod due to which he sustained injuries. It is further alleged that Chandan Kumar opened fire in order to terrorize them.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence. They have falsely



been implicated in the present case due to previous enmity and dirty village politics. There is inordinate delay of 3 days in lodging the F.I.R. It is further submitted that there is no injury report of informant available on record. During investigation, this fact has come into light that co-accused Chintu Kumar assaulted the deceased with knife and he has already been granted regular bail by this Court vide order dated 11.09.2023 passed in Cr. Misc. No. 41773 of 2023.

5. Learned A.P.P. appearing appearing on behalf of the State has opposed the prayer of anticipatory bail of the petitioners and submitted that there is specific allegation of assaulting the deceased is against Chandan Kumar (petitioner in Cr. Misc. No. 24356 of 2024). He has also opened fire in order to terrorize the informant and deceased. Postmortem report also corroborates the prosecution case and it suggests that death caused due to antemortem abdominal injury.

5. Considering the fact that there is specific allegation against the petitioner Chandan



Kumar, who assaulted the informant's brother (deceased) with knife on his stomach, hence the petitioner Chandan Kumar does not deserve the privilege of anticipatory bail and accordingly, his prayer for bail is rejected.

6. So far as petitioner namely, Sonu Kumar (petitioner in Cr. Misc. No. 23632 of 2024) is concerned, in the event of his arrest or surrender, within four weeks from today, he is directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Danapur in connection with Bihta P.S. Case No. 249 of 2023, subject to condition as laid down under section 438(2) Cr. P.C.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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