

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31387 of 2024

Arising Out of PS. Case No.-668 Year-2022 Thana- DARIYAPUR District- Saran

1. SANTOSH KUMAR RAI @ SANTOSH RAI S/O HARIBANSH RAI R/O VILLAGE- BHAJAHIA, P.S- DARIYAPUR, DISTT.- SARAN AT CHAPRA.
2. ABHISHEK KUMAR S/O HARINDRA RAI R/O VILLAGE- BHAJAHIA, P.S- DARIYAPUR, DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Dariyapur P.S. Case No. 668 of 2022 registered for the offences punishable under Sections 147, 148, 188, 341, 323, 324, 307, 447, 354, 504, 506 of the Indian Penal Code.

3. As per prosecution case, petitioners and others are said to have assaulted concertedly the informant's family members. It is alleged that co-accused Manish Kumar assaulted the informant on the head by means of farsa as result of which informant sustained head injury. It is further alleged that petitioner no. 2 and other is said to have assaulted informant's



son on head as a result of which he sustained injury.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that the allegations levelled against petitioner no. 1 are general and omnibus in nature, though, there is allegation against petitioner no. 2 who is said to have assaulted informant's son alongwith co-accused Vishwakarma Kumar upon head. He further submits that the specific allegation of assaulting the informant is attributed against the co-accused Manish Kumar. He further submits that nature of all injuries of injured are simple in nature, as mentioned in Para 9 of the bail petition. He further submits that there is case and counter case between both the parties on the same date of occurrence and free fighting cannot be ignored. He further submits that in the given facts and circumstances of the case, offences under Sections 307 and 354 of I.P.C. are not attracted against the petitioners. They bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument



advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Dariyapur P.S. Case No. 668 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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