

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35141 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. Kanhaiya Kumar @ Kanhaiya Yadav Son of Bishu Yadav Resident of Village -Chaknijamganj, Lalbagh, P.O. - Lalbagh, P.S.- L.N.M.U., District - Darbhanga, Bihar
 2. Surta Santosh Tea Stall @ Santosh Sah Son of Ramvilash Sah Resident of Village -Kadirabad,Neem Pokhar, P.O. - Lalbagh, P.S.- L.N.M.U., District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sitanshu Shekhar Singh, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with L.N.M.U P.S. Case No. 338 of 2023 dated 01.11.2023 registered for the offence/s punishable u/ss 147, 148, 149, 341, 323, 307, 452, 354B, 380, 427, 337, 338, 504, 506 and 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons along with 15-17 unknown miscreants are alleged to have entered the house of the informant and started abusing and assaulting him with the butt of pistol, lathi and



danda and they looted household articles and ornaments of the informant's wife. When the informant's wife and mother came to rescue, all the accused also abused and misbehaved with them. It is further alleged that the accused persons took the informant away from his house and Md. Anwarul Haque @ Nanki and Taurn Paswan fired on him but he fell down on the ground. Thereafter, they indiscriminately assaulted the informant with brick, stone and butt of pistol causing injury to him. It is further alleged that they also pelted stones on the house of the informant and damaged his motorcycle, CCTV camera and tried to set his house on fire with the help of gas cylinder.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is a delay of 16 days in lodging the FIR. It is further submitted that no one sustained firearm injury. There is no specific allegation against the petitioners. There is general and omnibus allegation against the petitioners. The petitioners are only members of mob. There is free fight between the parties. The co-accused Chhotu Yadav and Nawal Thakur sustained grievous and simple injuries respectively. Similarly situated co-accused has already been granted anticipatory bail by this court vide order dated 19.03.2024



passed in Cr. Misc. No. 20917 of 2024. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners and submitted that the informant sustained multiple injuries including fractured injury of mandible.

6. Considering the aforesaid facts and circumstances of the case as well as the materials available on the record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga in connection with L.N.M.U P.S. Case No. 338 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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