

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36134 of 2024**

Arising Out of PS. Case No.-1163 Year-2023 Thana- SHERGHATI District- Gaya

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1. Vivekanand Kumar Son of Ramlakhan Paswan Resident of Village - Gopalpur, Police Station - Sherghati, District - Gaya (Bihar)
  2. Santosh Kumar Son of Ramlakhan Paswan Resident of Village - Gopalpur, Police Station - Sherghati, District - Gaya (Bihar)
  3. Rakesh Kumar Son of Ramlakhan Paswan Resident of Village - Gopalpur, Police Station - Sherghati, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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

2      26-06-2024                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Sherghati P.S. Case No. 1163 of 2023 dated 16.11.2023, instituted for the offence punishable under Sections 341, 323, 325, 354(B), 379, 504 and 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioners along with co-accused persons armed with pistol and sticks came at the house of the informant to find out her husband with intention to kill him. On protest, they mercilessly assaulted the informant, his daughter and his mother-in-law due to which all victims sustained multiple injuries over the vital and other parts of their bodies and they also tried to outrage their modesty. It is



further alleged that petitioner no. 2 Santosh Kumar, who was armed with pistol, snatched gold chain and earring from the informant's possession.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioners and the informant are agnates and next door neighbours. The present case has been lodged only on the basis of a dispute with regard to '*Rasta*' as both are next door neighbours. It is submitted that there is no specific allegation against the petitioners rather the allegation against the petitioner is general and omnibus. The injury received by the injured persons are simple in nature caused by hard and blunt substance and there is also a case and counter case bearing Sherghati P.S. Case No. 1166 of 2023 filed against the informant and his other family members by the wife of petitioner no. 1, namely, Vivekanand Kumar. Lastly, it has been submitted that they have one criminal case against them.

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

6. 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 petitioners within a period



of six weeks from today, in connection with Sherghati P.S. Case No. 1163 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 A.C.J.M.-Ist, Sherghati, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C..

**(Khatim Reza, J)**

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