

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45658 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- KAKO District- Jehanabad

1. Shailesh Kumar @ Shailesh Yadav Son Of Mahesh Yadav Village- Devraj Bigha, Ps- Kako (BHELAWAR) Dist- Jehanabad
2. Arjun Kumar @ Chandan Kumar Son Of Sudama Yadav Village- Devraj Bigha, Ps- Kako (BHELAWAR) Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 354 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of one case and petitioner No. 2 is a person with clean antecedent and the informant alleges that Arjun Kumar was calling his younger brother for three days and threatening him, further on 6-11-2023, informant along with others went to the house of the petitioners to confront them when Arjun assaulted the informant by an iron rod causing



injury on head, thereafter Shailesh assaulted the brother of the informant by an iron rod causing injury on head, further one Lal Babu repeatedly assaulted his brother by *lathi* over his body and thereafter the accused persons entered the house of the informant and even tried to kidnap his minor sister but then alarm was raised, when local people gathered and the accused persons fled after making firing.

4. Learned counsel for the petitioners submits that the injury suffered by the informant is simple in nature, though the opinion with regard to injury suffered by his brother, Rahul, is reserved. It is further submitted that from the side of the petitioners also Kako PS Case No. 367 of 2023 was instituted against the side of the informant and others in which father of the Petitioner No. 2 was shot by brother of the present informant, it is next submitted that as such the present FIR is a counter-blast to Kako PS Case No. 367 of 2023. It is also submitted that since the father of the Petitioner No. 2 was shot by the brother of the informant as such the occurrence is alleged to have taken place and it may be a possibility that out of rage the side of the petitioners assaulted but then petitioners are not criminals.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kako (Bhelawar O.P) P.S. Case No. 368 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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