

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45720 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- BAJPATTI District- Sitamarhi

1. Birendra Kumar @ Birendra Thakur Son Of Late Kishundev Thakur @ Late Kisun Deo Thakur Resident Of Village - Patdaura, Police Station - Bajpatti, District - Sitamarhi
2. Rajiv Kumar @ Raja Kumar Son Of Birendra Kumar @ Birendra Thakur Resident Of Village - Patdaura, Police Station - Bajpatti, District - Sitamarhi
3. Abhishek Bachhan @ Abhishek Kumar Son Of Satyendra Thakur Resident Of Village - Patdaura, Police Station - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bajpatti P.S. Case No. 29 of 2024 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504 and 506 / 34 of the IPC.

3. As per the prosecution case, on 30.01.2024 when Neeraj Kumar, son of the informant was going to his house, he was intercepted by the accused persons including the petitioners on the way behind the house of Upendra Mahto. The accused persons including the petitioners were armed with knives. They started hurling abuses at the informant's son and when he



protested against hurling of abuses they began assaulting the informant. It has been further alleged that the co-accused Raushan Kumar dealt a knife blow over the stomach of the informant's son as a result of which his intestine came out. On hearing the alarm another son of the informant, namely, Chandralok Kumar and a co-villager, namely, Bimlesh Kumar arrived at the place of occurrence in order to protect the informant's son. It has been further alleged that the accused persons assaulted them also with knife causing bleeding injuries to them. The victims of the alleged occurrence were taken to PHC Bajpatti from there they were referred to Sadar Hospital Sitamarhi. Considering the serious nature of the injuries they were again referred to SKMCH.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and there is no specific allegation of assault against the petitioners. He further submits that they have been implicated in this case due to previous annoyance and dirty village politics.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that granting anticipatory bail will affect the investigation.

6. On perusal of the FIR, injury report and impugned



order dated 24.05.2024, it appears that injury report of Bimlesh Kumar discloses that he sustained incised wounds on different parts of his body, which were found to be of simple nature. The injury report of Chandralok Kumar reveals that he sustained lacerated wound caused by hard and blunt substance which was found to be of simple nature. Considering the aforesaid facts and circumstances and nature of allegations levelled against the petitioners for cooperating with the co-accused Raushan Kumar in giving knife blow on the stomach of the informant's son causing injuries to him which might have been proved to be dangerous to life, so I am not inclined to grant anticipatory bail to the petitioners.

7. Prayer for anticipatory bail to the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

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