

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46423 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Vishal Kumar S/O Dilip Paswan R/O Village- Samartha Kalyanpur, P.S- Bibhutipur, Distt.- Samastipur, Bihar
2. Prashant Kumar S/O Dilip Paswan R/O Village- Samartha Kalyanpur, P.S- Bibhutipur, Distt.- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Kumar, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Uday Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 13-09-2024 Learned counsel for the petitioners seeks permission to withdraw the application with regard to petitioner no.1 Vishal Kumar.

2. Permission is accorded.

3. Accordingly, the application with regard to petitioner no.1 Vishal Kumar is dismissed as withdrawn.

4. Heard learned counsel for petitioner no.2 Prashant Kumar, learned A.P.P. for the State and learned counsel for the informant.

5. Petitioner no.2 Prashant Kumar apprehends his arrest in connection with Bibhutipur P.S. Case No.146 of 2023 instituted under Sections 341, 323, 324, 325, 307, 354A, 354B, 379, 447,



448, 504, 506 and 34 of the Indian Penal Code.

6. As per prosecution case, on the alleged date of occurrence, when the informant's sister was studying on her door, accused Vishal Kumar (petitioner no.1) and Prashant Kumar (petitioner no.2) seeing her alone came there and started teasing her with intention to outrage her modesty and on protest, Vishal Kumar assaulted her with the butt of the pistol and Prashant Kumar (petitioner no.2) gave *pagharia* blow on her head due to which she sustained injury. Other accused persons are alleged to have assaulted the informant and his brother with *lathi* and iron rod.

7. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Both parties are neighbours and there was free fight between both the sides in which both parties sustained injuries and there is a case and counter case between the parties. Petitioner no.2 is alleged to have given *pagharia* blow on the head of informant's sister but the same was not corroborated by the injury report. The petitioner has no criminal antecedent and he undertakes to cooperate in the investigation. He also submits that similarly situated co-accused persons have already been granted anticipatory bail by this Court vide orders dated



16.10.2023 and 21.06.2024 passed in Cr.Misc.No.62037 of 2023 and Cr.Misc.No.80642 of 2023 respectively.

8. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, petitioner no.2, namely, Prashant Kumar be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera in connection with Bibhutipur P.S. Case No.146 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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