

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47468 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- MANER District- Patna

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1. Devendra Rai Son Of Late Raktu Rai R/O Vill-Maner Balupar, Ps-Maner, Dist-Patna
 2. Krishna Kumar Son Of Devendra Rai R/O Vill-Maner Balupar, Ps-Maner, Dist-Patna
 3. Ravi Kumar Son Of Devendra Rai R/O Vill-Maner Balupar, Ps-Maner, Dist-Patna
 4. Nawal Kishore @ Nawal Kumar Son Of Devendra Rai R/O Vill-Maner Balupar, Ps-Maner, Dist-Patna
 5. Akash Kumar Son Of Devendra Rai R/O Vill-Maner Balupar, Ps-Maner, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate Mr. Vimal Kumar, Advocate Mr. Shashank Shekhar Dubey, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP Mr. Devendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Maner P.S. Case no.97 of 2024 registered for the offence punishable under sections 307, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per allegation in the F.I.R, the informant states that on the orders of petitioner no.1 all the accused



persons who came with *lathi*, iron rod etc. assaulted the informant. It is further stated that petitioner no.3 assaulted the informant with the butt of the pistol on his head leading to serious injuries. The petitioner no.2 took Rs.5000/- from the informant's pocket.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The petitioner nos. 2 to 5 happens to be the son of the petitioner no.1. There is case and counter case between the parties. The correct version having been narrated in the FIR registered by the petitioner no.2 which is at Annexure-2 to this petition. It is submitted that no case under section 307 of the Indian Penal Code is made out for the reason that though the allegation is of carrying of pistol, however, there is no allegation of firing resorted to by them.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only all the petitioners are named in the FIR but there is direct and specific allegation against them of having come with *lathi*, iron rod, pistol etc. and of having brutally assaulted the informant leading to injuries. The petitioners also have criminal antecedents. Thus



it is not a case for anticipatory bail.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner no.3, Ravi Kumar in the FIR, the Court is not inclined to enlarge the said petitioner on anticipatory bail and his application is rejected.

7. The petitioner no.3, Ravi Kumar is directed to surrender in the learned trial Court within a period of four weeks.

8. So far as petitioner nos. 1, 2, 4 and 5 are concerned, in the facts and circumstances of the case, the allegations being general and omnibus in nature, the submissions made by learned counsel for the petitioners, these four petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on anticipatory bail in connection with Maner P.S. Case no. 97 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Danapur, Patna.

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(Partha Sarthy, J)

