

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48188 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- AMARPUR District- Banka

1. Sanjay Kumar son of Anil Kumar Village- Laugain Ps- Amarpur Dist- Banka
2. Amresh Kumar son of Subodh Kumar Village- Laugain Ps- Amarpur Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Amarpur P.S. Case No.112 of 2024, registered for the offences punishable under Sections 341/323/307/379/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners. The allegation in the FIR is that all five persons in connivance with each other were sitting near the orchard of Amresh, which is situated 200 meters away from the house of the informant. When the informant was returning then all of a sudden all had attacked on him by iron rod, due to which the



informant sustained injury and became unconscious.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that both informant and accused persons are resident of same village and they are agnate and on a petty issue the scuffling took place but false FIR has been lodged in which it has been alleged that they have attacked and assaulted by the informant. Counsel submits that from the content of the FIR it becomes crystal clear that dispute is relating to *Patwan* as alleged in the FIR itself and there is no criminal antecedent of the petitioners. He submits that on the previous occasion the case-diary was called for in this case. Counsel submits that petitioners are ready to fulfill all the condition whatsoever shall be imposed.

5. Learned counsel for the State fairly submits that at least three witnesses have alleged that assault had been made but the injury report indicates that injuries are simple in nature.

6. In the present facts and circumstances, this Court is of the view that it is not a fit case for grant of anticipatory bail instead thereof it is a fit case for regular bail. The petitioners are directed to surrender before the Court-below within four weeks and the trial Court is hereby directed to dispose of their



regular bail application in course of the day considering that the injury Nos.1 and 2 are simple in nature and caused by hard and blunt substance.

7. Accordingly, this application stands disposed off.

(Dr. Anshuman, J)

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