

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52412 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- GURARU District- Gaya

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1. Deepak Kumar Son of Ashok Singh Resident of Village- Diha, Ps -Guraru, District -Gaya, Bihar
 2. Nitish Kumar Son of Arun Singh Resident of Village- Diha, Ps -Guraru, District -Gaya, Bihar
 3. Ayush Kumar Son of Mithlsh Kumar Singh Resident of Village- Diha, Ps -Guraru, District -Gaya, Bihar
 4. Ashutosh Kumar Son of Sanjay Singh Resident of Village- Diha, Ps -Guraru, District -Gaya, Bihar
 5. Asmit Kumar Son of Ram Snehi Singh Resident of Village- Diha, Ps -Guraru, District -Gaya, Bihar
 6. Pankaj Kumar Son of Ashok Singh Resident of Village- Diha, Ps -Guraru, District -Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Adv.
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Guraru P.S. Case No. 196 of 2023 registered for the offences punishable under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of brutally assaulting the Informant's nephew and other family members with an intention to kill them.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that there is no specific or direct allegation of assault against the petitioners rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. He further submits that as per allegation, the petitioner nos. 1, 3 & 6 along with other persons have assaulted Pankaj Kumar but, from his injury report, it appears that the injuries are simple in nature. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present application.

5. Learned counsel for the petitioners further submits that the co-accused Santu Kumar has already been granted regular bail by this Court vide order dated 15.03.2024 passed in Cr. Misc. No. 18844 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, stating that the petitioners are named in the F.I.R. and the offence alleged against them is serious in nature.

7. Considering the entire facts and circumstances of the case and there being no specific or direct allegation of assault against the petitioners nos. 2, 4 and 5 as also having no criminal antecedent, let the petitioner nos. 2, 4 & 5, above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Guraru P.S. Case No. 196 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. There being direct and specific allegation of assault against the petitioner nos. 1, 3 & 6, this Court is not inclined to grant privilege of anticipatory bail to them.

9. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1, 3 & 6, above named, is rejected. If they surrender before the court below within a period of four weeks from today and prays for regular bail, the same shall be considered by the court below in accordance with law, without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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