

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52550 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

1. Ankush Kumar @ Ankush Prasad S/O Basant Prasad R/O Vill - Rupchhap Diyara, P.S. - Vishambharpur, Dist - Gopalganj.
2. Karan Kumar @ Karan Prasad S/O Basant Prasad R/O Vill - Rupchhap Diyara, P.S. - Vishambharpur, Dist - Gopalganj.
3. Basant Prasad @ Gamha Prasad S/O Vikrama Prasad R/O Vill - Rupchhap Diyara, P.S. - Vishambharpur, Dist – Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioner and
Learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Vishambharpur P.S. Case No. 32 of 2024, registered on 13.03.2024, for the offences punishable under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged against the petitioners alleging therein that petitioner no. 1 assaulted on the head of the informant with an iron rod



causing head injury. Thereafter, petitioner no. 3 assaulted on the left hand of the informant with an iron rod causing fracture injury, as a result of which the informant got injured and fell down on the earth. It is further alleged that petitioner no. 2 assaulted on the back and waist of the informant with an iron rod, as a result of which, the informant got badly injured. On noise been made, the nearby people gathered and they took the informant to the hospital for treatment.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. In fact, the allegations levelled in the F.I.R. are general, vague and omnibus. The informant and petitioners are co-villagers and in the entire prosecution story the informant did not disclose any motive for the said incident. There is case and counter case between the parties as petitioner no. 3 has filed a Complaint Case No. 647 of 2024 against the informant and others with an allegation of assault and theft. There is no eye witness to the said occurrence and in fact, informant's father had stolen Government's wood and the petitioner no. 3 informed the police about the said incident. Due to that reason, a false case has been lodged against the petitioners with frivolous allegation. Moreover, the informant is in the habit of over drinking and on



the said date of occurrence he drank too much alcohol, as a result of which he fell down and sustained injuries.

5. Learned Counsel for the State opposes the prayer for bail and submits that in the impugned order it has been mentioned that in paragraph no. 22 of case diary it has come that informant sustained lacerated wound of right side of temporal region and after C.T. Scan examination, the same was found grievous in nature and other two injuries which are on left side of forehead and left side of back are found to be simple in nature.

6. Considering the nature of allegation levelled against petitioner nos. 1 and 3, this Court is not inclined to grant anticipatory bail to petitioner no. 1 and petitioner no. 3. Hence, the prayer for anticipatory bail of petitioner nos. 1 and 3 are refused. However, petitioner no. 2 is alleged to have assaulted the informant on his left hand, but the same is not corroborated by the injury report, let the petitioner no. 2 is directed to be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV,



Gopalganj in connection with Vishambharpur P.S. Case No. 32
of 2024, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

Ankit Kumar/-

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