

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61391 of 2024

Arising Out of PS. Case No.-344 Year-2024 Thana- ALAMGANJ District- Patna

1. Ajit Kumar Son of Ajay Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna
2. Abhishek Kumar Son of Ajay Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna
3. Deepak Kumar Son of Vijay Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna
4. Lucky Raj Son of Vijay Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna
5. Kumar Sameer Son of Vijay Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna
6. Prem Kumar Son of Mataram Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna
7. Kumar Nishant @ Nishant Son of Mataram Mahto Resident of B. N. R. Road, PS- Alamganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Vardhan, Advocate
For the Opposite Party/s : Dr. (Mr.) Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-08-2024 1. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 6, namely, Prem Kumar.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to petitioner no. 6 is dismissed as withdrawn.
4. Heard learned counsel for the petitioners no. 1 to 5 and 7, learned A.P.P. for the State and learned counsel appearing



on behalf of the informant.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 448, 323, 324, 326, 325, 379, 504 and 506/34 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that petitioners no. 1 to 5 and 7 have antecedent of three cases.

7. The informant alleges that accused persons were assaulting his neighbour Shashi Shekhar Singh inside his house and when the informant and his brother went to save him they were thrown out, thereafter the police came and took Summit Kumar to the police station. It is further alleged that Prem Kumar and other accused persons on instigation of Summit Kumar entered the house of the informant and assaulted by rod, khanti etc. causing fracture of the hand of the brother of the informant.

8. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the petitioners and even presuming what has been alleged is true without admitting then the injury report does not corroborate the nature



of assault as alleged in the FIR as would manifest from Annexure P/5 to the anticipatory bail application. It is next submitted that Akash Kumar was examined by the Doctor and the X-ray finding recorded fracture of proximal phalanx of left thumb and the injury was opined to be grievous but then it is submitted that had so many accused assaulted the injured in that event he would have suffered multiple injury.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

10. Considering the submissions made by the learned counsel for the petitioners, let the petitioners no. 1 to 5 and 7 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 Alamganj P.S. Case No. 344 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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