

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63079 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Santosh Prasad Son of Kameshwar Prasad Resident of Village- Bistaul, P.S.- Baikunthpur, District- Gopalganj
2. Vakil Prasad Son of Kameshwar Prasad Resident of Village- Bistaul, P.S.- Baikunthpur, District- Gopalganj
3. Suraj Prasad @ Suraj Kumar Son of Kameshwar Prasad Resident of Village- Bistaul, P.S.- Baikunthpur, District- Gopalganj
4. Uday Prasad @ Uday Kumar Prasad Son of Bchcha Prasad Resident of Village- Bistaul, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :Suraj Prasad @ Suraj Kumar

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Informant : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 04-10-2024 1. Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No. 345 of 2023 dated 07.10.2023 registered for the offence(s) punishable under Section(s) 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.
3. As per prosecution story, when the informant was at his door then the petitioners alongwith accused persons namely Kameshwar Prasad came with *tangi*, *dab*, sword, *lathi*, *bhala* and *farsa* and surrounded him and started abusing thereafter,



when the informant tried to flee away, Santosh Prasad (petitioner no.1) attacked on his head by means of *tangi* due to which he sustained injury on his head and blood started oozing out then Uday Prasad (petitioner no.4) attacked by means of *dab* at his neck due to which he sustained injury on the left side of his head. On shouting of informant his family members came to rescue him but till then Kameshwar Prasad snatched golden chain from his neck. Due to assault, the informant fell unconscious.

4. The main submissions advanced by the learned counsel for the petitioners are that admittedly, there is a land dispute in between both the parties and a preventive proceeding under Section 144 of Cr.P.C. was running at the relevant time of the alleged occurrence, in fact, the instant case is a counterblast of Baikunthpur P.S. Case No. 344 of 2023 registered by the mother of the petitioner nos. 1 to 3 and against the petitioner nos. 2 and 3, there is no specific allegation and on the person of the informant, only two injuries were found and the same have been opined to be simple in nature by the Doctor concerned and in this regard, Annexure- P/3 may be perused. It is further submitted that the petitioner no. 3 was badly assaulted by the prosecution party and one Arvind Prasad belonging to



prosecution party inflicted sword blow at the head of the petitioner no.3 and regarding that occurrence, Baikunthpur P.S. Case No. 344 of 2023 was lodged.

5. On the contrary, learned counsel appearing for the informant submits that there is a serious and specific allegation against the petitioner no. 1 and 4 who assaulted the informant by means of *tangi* and *dab* and both the weapons come in the purview of sharp edged weapon and in this regard, the injury report of the informant is relevant which shows that two incised wounds were found on his head and the same also corroborates the allegation concerned to the said petitioners.

6. Learned APP has also opposed the bail prayer of the petitioners.

7. Having considered the seriousness of the allegation appearing against the petitioner no. 1 (Santosh Prasad) and petitioner no. 4 (Uday Prasad @ Uday Kumar Prasad) and taking into account the injury report of the informant which corroborates the allegation concerned to the said petitioners, this court is not inclined to grant the relief of anticipatory bail to both the above-named petitioners. Accordingly, their prayer stands rejected.

8. So far as the prayer of petitioner no. 2 (Vakil Prasad)



and petitioner no. 3 (Suraj Prasad @ Suraj Kumar) is concerned as against them there is no specific allegation of assault, so considering this aspect, this court is inclined to grant the relief of anticipatory bail to them. Accordingly, let the petitioner no.2 (Vakil Prasad) and petitioner no. 3 (Suraj Prasad @ Suraj Kumar), in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Baikunthpur P.S. Case No. 345 of 2023 on furnishing bail bond of Rs.20,000/-(Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

Rajiv/-

U		T	
---	--	---	--

