

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64453 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- NEMDARGANJ District- Nawada

1. Vijay Kumar S/o Naresh Yadav R/o vill - Harivansh Bigha, P.s. - Namdarganj, Distt. - Nawada
2. Sona Devi W/o Shidheswar Yadav R/o vill - Harivansh Bigha, P.s. - Namdarganj, Distt. - Nawada
3. Shivbarti Devi W/o Naresh Yadav R/o vill - Harivansh Bigha, P.s. - Namdarganj, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 17-10-2024 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 3, Shivbarti Devi.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 3.

5. The petitioner Nos. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 427, 504, 506 and 109 of the Indian Penal Code and Section 3 of Prevention of Damages of Public Property Act, 1984.



6. Learned counsel for the petitioners submits that petitioner No. 1 came to be implicated in a case after institution of the instant FIR and Petitioner No. 2 is a person with clean antecedent and the informant alleges that he received an information that some people of village Harivansh Bigha were assaulting people of village Sanokhda, accordingly he reached the place of occurrence and saw people of Harivansh Bigha abusing Shankar and Manoj, thereafter the matter was pacified and Manoj along with Shankar were sent to their home. Thereafter, the informant tried to pacify the aggressive people of Harivansh Bigha, when Ajay assaulted Constable Niranjan with an iron pipe causing injury on head, thereafter Naresh assaulted Constable Ajit Kumar Paswan by lathi causing injury and when police tried to take Niranjan to hospital, all the named accused persons including the petitioners pelted stones and damaged the police vehicle on account of which Constable Raj Kumar suffered injuries, further police retaliated in which Ajay was also injured who was also treated at health centre along with injured Constable.

7. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that allegation of assault is general and omnibus in nature. It is further submitted that since petitioners reside nearby to the place of occurrence, as such, they came at the



place of occurrence on hearing that a ruckus is being created by people of Harivansh Bigha. It is next submitted that since petitioners were present at the place occurrence, as they reside nearby to the place of occurrence, as such, they came to be implicated without any specific allegation.

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

9. Considering the submissions made by the learned counsel for the petitioners, the petitioner Nos. 1 and 2, above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Nemdarganj P.S. Case No. 175 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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