

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65732 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- ARWAL District- Jehanabad

1. Shivadhar Prasad S/o Late Ram Birit Ram Resident of village- Phakharpur, PS- Arwal, District Arwal
2. Ramadhar Prasad S/o Late Ram Birit Ram Resident of village- Phakharpur, PS- Arwal, District - Arwal
3. Rahul Kumar S/o Shivadhar Prasad R/o vill - Phakarpur, P.S. and Distt. - Arwal
4. Lalan Prasad S/o Late Ramdeep Ram R/o vill - Phakarpur, P.S. and Distt. - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 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. 1 (Shivadhar Prasad) and petitioner no. 2 (Ramadhar Prasad) who have been arrested during pendency of the anticipatory bail application.

3. Permission is accorded.

4. **Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to**



petitioner nos. 1 and 2 only.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379 and 504 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 08.03.2023 at 04:00 PM while he was returning home from Phakharpur market and reached near the house of Ramadhar Prasad when all of a sudden, the accused persons intercepted him and an altercation started, thereafter Shankar said that you have informed the police that he sells liquor, but when the informant denied, Shankar assaulted by an iron rod causing injury on right temple, hence he started bleeding from mouth, thereafter Shankar assaulted by knife on mouth of the informant on account of which his tooth broke, thereafter Rahul assaulted him by *lathi* causing injury on head, further when his family members came, Shankar assaulted Anil by *lathi* causing fracture of left hand, Shivadhar assaulted Vicky by *lathi* all over his body and Lalan dashed Raj Kumari Devi on ground and assaulted by brick causing injury near her eyebrow, further Ramadhar disrobed her, while Krishnadeo tried to strangulate Ravi Ranjan and Sonu snatched chain of Ravi Ranjan, thereafter



Shankar fired twice creating fear.

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 from side of the petitioners, Arwal P.S. Case No. 137 of 2023 has been instituted against the informant and his side alleging that the present informant entered the house of the petitioners and tried to outrage the modesty of daughter of Lalan Prasad (petitioner no. 4 herein), hence the occurrence took place. It is next submitted that after Arwal P.S. Case No. 137 of 2023 came to be instituted thereafter the instant FIR was instituted by way of counterblast. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not disclose the reason for the occurrence, but then Arwal P.S. Case No. 137 of 2023 indicates the reason for the occurrence. It is also submitted that all injuries suffered by the injured is simple in nature except that of informant, but then the thrust of the allegation of assaulting the informant is against Shankar who is not a petitioner in the instant case.

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 petitioners 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 Arwal P.S. Case No. 138 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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