

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65052 of 2024

Arising Out of PS. Case No.-692 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Rupesh Kumar Son of Soshan Yadav Village- Paharighachhi, Po- Mirzapur, Bandwar, Ps- Muffasil, dist- Begusarai
 2. Chhotu Kumar Son of Soshan Yadav Village- Paharighachhi, Po- Mirzapur, Bandwar, Ps- Muffasil, dist- Begusarai
 3. Mukesh Kumar @ Rupesh Kumar Son of Soshan Yadav Village- Paharighachhi, Po- Mirzapur, Bandwar, Ps- Muffasil, dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2024 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Muffasil P.S. Case No. 692 of 2023 registered for the offences punishable under Sections 341, 323, 307, 506/34 of the Indian Penal Code and Section 27 of Arms Act.

3. The allegation against petitioners is to assault the informant and others along with other co-accused persons after house trespass causing head and



bodily injuries, which may likely to cause their death, where occurrence is alleged to be arising out of previous enmity.

4. It is submitted by learned counsel appearing on behalf of the petitioners that just one day before lodging the present case, an occurrence of physical assault took place between the parties for which a case and counter case, being Muffasil P.S. Case No. 688 of 2023 and 689 of 2023 were lodged by the parties. Subsequent to these two cases, on the very next day, the present case was lodged by the informant on vague ground, having very much general and omnibus allegation regarding physical assault. It is submitted that before lodging this case, the parties were released after giving benefit of Section 41 of the Cr.P.C. It is submitted that the allegation qua petitioners is very general and omnibus regarding physical assault and merely on the ground that one fracture injury was caused upon injured on his left maxillary sinus, it cannot



be said that the petitioners were under intention to cause death or the injury was of such nature which may likely to cause death of the injured to make out a *prima-facie* case under Section 307 of Indian Penal Code. While concluding argument it is submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Court through Cr. Misc. No. 34947 of 2024 vide order dated 12.07.2024, moreover, petitioners are men of clean antecedents.

5. Learned APP, opposes the prayer of bail.

6. In view of above-mentioned facts and circumstances and by taking note of fact that allegation *qua* physical assault is appearing very much general and omnibus against petitioners, accordingly, all above named three petitioners, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned
C.J.M., Begusarai/concerned Court, where the case is
pending in connection with Muffasil P.S. Case No. 692 of
2023, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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