

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66949 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- DARIYAPUR District- Saran

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Tuntun Rai S/o Late Madan Prasad Ray @ Madan Ray R/o vill - Natha
Chapra, P.S. - Dariyapur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application, for grant of anticipatory bail arises out of Dariyapur P.S. Case No. 113 of 2024, disclosing offences under Sections 341, 323, 307, 379, 354(B), 504, 506 and 34 of the I.P.C. read with Section 27 of the Arms Act.

3. The prosecution case, as per the *fardbeyan* of the informant recorded on 28.02.2024 before the S.H.O., P.M.C.H. is that on 26.02.2024 in the afternoon, informant's uncle Raghunath Rai had gone to the house of his co-villager for milking cow. In the meanwhile, six accused persons surrounded him along with weapons, opened fire and assaulted indiscriminately with intention to commit murder, due to which his uncle sustained cut injury. Upon receiving information, the informant along with his mother reached near the place of occurrence and suddenly all the six accused persons including

the petitioner arrived there having *lathi*, rod, pistol, etc. in their hands assaulted the informant indiscriminately, due to which he fell down and sustained injury. It has further been alleged that the co-accused Atish Kumar assaulted on the head of the informant with iron rod causing head injury. Another accused persons assaulted the informant's mother indiscriminately and outraged her modesty by disrobing her.

4. Learned counsel for the petitioner submits that the petitioner has falsely been made accused in the present case in as much as in the first instance, the informant has disclosed the name of the six persons only and not the petitioner, however, subsequently, he has been added as an accused. The allegation against the petitioner and others is general and omnibus in nature and the specific allegation is against co-accused Atish Kumar, who assaulted the informant on his head. The petitioner is having no criminal antecedent. A counter case has also been lodged by the co-accused Atish Kumar against the informant and others bearing Dariyapur P.S. Case No. 101 of 2024. Both sides have sustained injury and three persons from the side of the petitioner have sustained injury and from the informant's side, two persons have sustained injury but the doctor has reserved his opinion regarding the nature of injury. Both the parties have filed a joint compromise petition before the Court

of learned District & Sessions Judge, Saran at Chapra annexed as Annexure- P/6.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and there is a case and counter case from both the sides and both the sides have sustained injury, the petitioner is having no criminal antecedent and the allegation against the petitioner is general and omnibus in nature, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Saran at Chapra, in connection with Dariyapur P.S. Case No. 113 of 2024, subject to the condition laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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