

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67688 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- BARAUNI District- Begusarai

Soni Kumar @ Sunni Kumar @ Sunny Kumar @ Rajesh Kumar S/o- Ashok
Kumar Village- Bihat Jagir Tola P.S- Barauni District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Nawal Kishore Pd. (APP)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 23-10-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Barauni Police Station Case No. 15 of 2024,
disclosing offences under Sections 341, 323, 379, 307, 504, 506,
34 of the Indian Penal Code.

3. As per the prosecution case, on 11.01.2024, at
about 6:00 pm, his informant's nephew Vikash Kumar returned
from the market to home and when he reached in the courtyard
of the house, he saw that his neighbor, Dharo Kumar, in drunken
state was abusing someone on mobile phone. Upon objection,
Dharo Kumar started assaulting informant's nephew. On shout,
informant and Vikash's father, Shravan Kumar, came out of the
house and saved him and after that other family members of
Dharo Kumar, armed with lathi & danda came and started
assaulting the informant due to which he sustained serious
injury on his nose and right eye. When younger brother of the



informant, Shravan Kumar, came to save him then all the accused persons also started assaulting him with lathi and danda and when his wife, Laxmi Devi, came in the courtyard to save him then all of them also assaulted her due to which she sustained injury on her nose and the bone of her nose was broken and the gold earring was being snatched from the ear of his wife and when Shravan's second son, Anshu Kumar, came to save, then they also assaulted him. After giving the oral information to police informant, along with his family members, went to P.H.C. for treatment from where he was being referred to Sadar Hospital, Begusarai, but due to grievous injury he admitted in Life Line Hospital, Barauni.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of suspicion. He next submits from bare perusal of the FIR, it is evident that allegation of assault against the petitioner is general and omnibus in nature and no specific allegation of assault has been alleged against him. He next submits that petitioner got implicated in the present case due to village party politics. He next submits that in the FIR, informant has not stated specifically that the injuries, to the informant and his wife Laxmi Devi, have been attributed by the petitioner. He further



submits that there is a delay in lodging of the FIR as the date of occurrence is 11.01.2024 and the FIR has been lodged on 13.01.2024 i.e., after a delay of two days.

5. I have heard the parties and have gone through the materials on record. From perusal of the impugned order, it appears that learned Additional District Judge, Begusarai, has taken note of the fact that petitioner along with others assaulted informant and his family members, multiple injuries have been found on their bodies which are grievous in nature. Petitioner has criminal antecedent of three criminal cases of serious nature. Accordingly, I do not find any reason to differ with the order of learned Additional Sessions Judge.

6. This application is, accordingly, rejected.

7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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