

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70917 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- AUANGARI District- Nalanda

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1. Abhishek Kumar Son of Subhash Vishvkarma Village- Kanhaiyaganj PS-Aungari Dist- Nalanda
 2. Ratnesh Kumar Son of Subhash Vishvkarma Village- Kanhaiyaganj PS-Aungari Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-10-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Aungari (Pirbigha O.P.) P.S. Case No. 36 of 2024 dated 19.04.2024 registered under Sections 341, 323, 379, 307, 504, 506 of the I.P.C.

3. As per the prosecution case on 18.04.2024 in the afternoon while the informant was passing through the road, the co-accused Subhash Vishvkarma started abusing and assaulting the informant and due to that noise the son of the informant Saroj Kumar came and intervened in the matter. The petitioners assaulted the informant's son with iron rod on his head due to which he sustained injury.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to dispute regarding drainage between the parties. He further submits that the present F.I.R. has been lodged as a counter blast to the F.I.R. lodged by the side of the petitioners bearing Aungari (Pirbigha O.P.) P.S. Case No. 35 of 2024 instituted under Section 307 and other allied Sections of the I.P.C. against the informant and others. The F.I.R. lodged by the petitioners side is prior in time. Referring to the impugned order, learned counsel submits that the injuries caused to the victim have not been produced by the prosecution.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is case and counter case between the parties, injuries caused to the victim have not been brought on record by the prosecution and F.I.R. lodged by the petitioners side is prior in time, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



A.C.J.M. Hilsa, Nalanda in connection with Aungari (Pirbigha
O.P.) P.S. Case No. 36 of 2024 subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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