

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73392 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- DIDARGANJ District- Patna

1. Aditya Kumar @ Aditya @ Badal Son of Aplendra Singh @ Aplander Singh
Resident of Village- Fatehpur, Police Station- Didarganj, District- Patna
2. Shubham Kumar @ Chandan Kumar Son of Dharendra Singh Resident of
Village- Fatehpur, Police Station- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Didarganj P.S.Case no. 162 of 2024 registered for the offence punishable under sections 307, 379, 341, 323, 504, 504, 506 and 34 of the Indian Penal Code.

3. As per allegation in the F.I.R, the informant states that while he along with his brother started from their village for Patna, it is stated that the two petitioners herein along with one another surrounded them. It is further stated that they started to hurl abuses. On the informant protesting, they were assaulted by the two petitioners as a result of which they



sustained injuries as described in the FIR.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case for the reason that the parties happen to be the *gotia* and there are land dispute between them. There is no explanation whatsoever for the delay of about two days in lodging of the FIR. It is further submitted that the case diary has been submitted without any injury report, thus making the entire prosecution case suspicious. The petitioners have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that besides both the petitioners being named in FIR there is direct allegation against them which is substantiated from the injury report which has been reproduced in the order of the learned trial Court. It is further submitted that injuries are on the vital part of the body.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R. of having assaulted the informant and his brother together with the corresponding injuries having been found on the vital part of the body which has been quoted in detail in paragraph no.5 of the



order of the learned trial Court, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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