

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75508 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- KHUSRUPUR District- Patna

1. Shri Ballabh Rai @ Ballabh Prasad @ Shri Ballam Rai Son of Late Ramdhari Prasad Village- Naya Tola, Khirodhpur, P.S.- Khushrupur, District- Patna
2. Jitendra Rai Son of Late Ramdhari Prasad Village- Naya Tola, Khirodhpur, P.S.- Khushrupur, District- Patna
3. Nitish Rai @ Nitish Kumar Son of Shri Ballabh Rai @ Ballabh Prasad @ Shri Ballam Rai Village- Naya Tola, Khirodhpur, P.S.- Khushrupur, District- Patna
4. Lilla Rai @ Lalindra Kumar Son of Shri Ballabh Rai @ Ballabh Prasad @ Sri Ballam Rai Village- Naya Tola, Khirodhpur, P.S.- Khushrupur, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioners and Ms. Rita Verma learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Khusrupur P.S. Case no. 159 of 2024 instituted for the offence under Sections 341, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution in short is that due to lodging of complaint in the police station by the informant



regarding lifting of 30 bags of wheat from the field by the petitioners, all the petitioners arrived on the land of the informant and started firing. It is further alleged that one of the fire went from the temple region of the informant and one fire made by Jitendra Rai, went touching the shoulder of the son of the informant.

4. During course of the argument, learned counsel for the appellants has submitted that a complaint case has also been filed by the accused Nitish Rai (Petitioner No.3) against the informant regarding the same occurrence. From the language of the written application, it is clear that it is a manufactured one. Petitioners are having no criminal antecedent. No gun shot injury is there on the person of any of the informant party. The only complaint against Nitish Rai and Lilla Rai is that they assaulted the son of the informant with the *butt* of the gun.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest



or surrender in connection with Khusrupur P.S. Case no. 159 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Patna City, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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