

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75726 of 2024

Arising Out of PS. Case No.-573 Year-2024 Thana- FATUA District- Patna

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1. Sanjay Sao Son of Surendra Sao Resident of Moshimpur Fatuha, P.S.- Fatuha, Distt.- Patna
 2. Rocky Kumar Son of Sanjay Prasad @ Sanjay Sao Resident of Moshimpur Fatuha, P.S.- Fatuha, Distt.- Patna
 3. Vikash Kumar Son of Sanjay Prasad @ Sanjay Sao Resident of Moshimpur Fatuha, P.S.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Cr. Misc. Application No. 75726 of 2024 has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehends their arrest in connection with P.T. No.4254 of 2024 arising out of Fatuha P.S. Case No. 573 of 2024, dated 23.08.2024, lodged under Sections 126, 115(2), 109, 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023").



3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioners. The specific allegation is against co-accused Gautam Kumar who has assaulted the informant by iron rod on his head.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the informant and accused persons are *gotia* and they are well known to each other and due to previous enmity and dirty village politics, name of the petitioners has been figured in this case. Counsel further submits that upon bare reading of the FIR, only allegation against the present petitioners is that they have attacked but, act and overt act is against co-accused Gautam Kumar who is not the petitioner in this case. Counsel submits that since, allegation of attack is against Gautam Kumar, therefore, section 109 and 303(2) of the BNS, 2023 are not applicable on other accused persons except Gautam Kumar and rest other offences are bailable in nature.

5. Learned Counsel for the petitioners further submits that the criminal antecedent of the petitioners are clean.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. As such, in the present facts and circumstances of



this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Additional Chief Judicial Magistrate 1st, Patna City, Patna in connection with P.T. No.4254 of 2024 arising out of Fatuha P.S. Case No. 573 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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