

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 80438 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- ADAPUR District- East Champaran

1. Birji Sah S/O Munsi Sah R/O Village - Sirisiya Mall, P.S- Nakardeo, Dist-East Champaran.
2. Ritik Kumar S/O Birji Sah R/O Village - Sirisiya Mall, P.S- Nakardeo, Dist-East Champaran.
3. Ravi Kumar S/O Birji Sah R/O Village - Sirisiya Mall, P.S- Nakardeo, Dist-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Koushlendra Narayan, Advocate. Mr. Sushil Kumar Singh, Advocate.
For the State	:	Mr. Akshay Lal Pandit, A.P.P.
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2024 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Adapur (Nakardei O.P.) Police Station Case No. 139 of 2024, dated 25.04.2024, disclosing offences under Sections 341, 323, 324, 354, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that on 22.04.2024, at night, petitioners along with



other accused persons armed with Farsa, spear (Bhala), Garasa, Nalkati (Pistol) and sword entered into the house of the informant and started assaulting. Petitioner no. 1 assaulted the informant by means of spear (Bhala) on his head. Petitioner no. 3 assaulted the informant's wife on her head and petitioner no. 2 pointed out pistol and misbehaved with the wife of the informant.

4. Learned Counsel for the petitioners submits that the informant is having medical shop in front of the house of the petitioners and used to indulge in sell of contraband items for which F.I.R. bearing Adapur (Nakardei O.P.) P.S. Case No. 241 of 2022 was lodged by police at the behest of the petitioner under N.D.P.S. Act, due to which the present occurrence has taken place. He further submits that a counter case has also been lodged by the side of the petitioners bearing Adapur P.S. Case No. 142 of 2024 against the informant and others. He next submits that there is no allegation of assault against the petitioner no. 2.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the injuries caused to the informant and his wife are grievous in nature which are attributable to the petitioner no. 1 and 3, I am



not inclined to grant the anticipatory bail to petitioner no. 1 and 3 and the same are rejected.

6. In so far as, petitioner no. 2 is concerned, there is no allegation of assault against him. Petitioner no. 2 i.e., the son of the petitioner no. 1, I am inclined to grant the privilege of anticipatory bail to petitioner No. 2.

7. This application is, accordingly, allowed.

8. Let the petitioner No. 2, namely, Ritik Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Raxaul at Motihari, District-East Champaran, in connection with Adapur (Nakardei O.P.) Police Station Case No. 139 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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