

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77774 of 2024

Arising Out of PS. Case No.-648 Year-2024 Thana- JAHANABAD District- Jehanabad

1. Sanjay Kumar S/o- Late Mohan Gupta @ Late Mohan Lal Gupta Mohalla- Unta PS-Jehanabad District- Jehananbad
2. Subham Kumar @ Shubham S/o-Sanjay Kumar Mohalla- Unta PS- Jehanabad District- Jehananbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Ms. Sakshi Deep, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. This application, for grant of anticipatory bail, arises out of Jehanabad P.S. Case No. 648 of 2028, dated 19.08.2024, disclosing offences under Sections 109, 115(2), 126(2), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3.The prosecution case, as per the First Information Report, is that on 18.08.2024 in the evening, while the informant was buying ice-cream after parking his car in front of the shop of the accused no. 1, the petitioners and other accused persons assaulted the informant, broken the glass of his car, took away the bag from his car and when the informant protested, he



was attacked on his head. It has further been alleged that petitioner no. 2 assaulted near the face of the informant. Along with petitioners, other ten accused persons also assaulted the informant, snatched golden chain and Rs.10,000/- cash from his pocket.

4. Learned senior counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to parking of the vehicle in front of the shop of the petitioner no. 1, who happens to be the owner of the cloth shop in the name and style of richlook cloth shop. He further submits that on the basis of allegation made in the F.I.R., Section 109 of the B.N.S. is not made out and the injury caused to the informant near the wrist is said to be grievous in nature and other injuries referred to in injury report at Annexure-2 are simple in nature. Wrist is not a vital part of the body and there is no allegation against the petitioners that they assaulted the informant on his wrist.

5. Having regard to the submissions made on behalf of the parties, taking into consideration the nature of allegation, the fact that all the injuries are simple in nature, except the injury near the wrist which is not a vital part of the body, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad, in connection with Jehanabad P.S. Case No. 648 of 2024, subject to the condition laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

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