

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80218 of 2023

Arising Out of PS. Case No.-658 Year-2023 Thana- BIHTA District- Patna

1. Rajiv Kumar @ Basant Kumar @ Rajiv Singh
2. Hemant Kumar
3. Chandan Kumar
All Sons Of Late Balwant Kumar Singh R/O Village- Purainia, P.S.- Bihta (NEURA), District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP
Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-06-2024 Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 342, 325, 323, 307, 504, 506 and 34 of the IPC in connection with Bihta (Neura) P.S. Case No.658 of 2023.

3. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land the instant FIR came to be



instituted with an allegation that Rajeev Kumar @ Basant Kumar @ Rajiv Singh along with Hemant Kumar assaulted the informant (Sunil) by iron rod and 'khanti' causing injury on head, whereas petitioner no.3, Chandan Kumar is alleged to have assaulted the informant by a cemented pillar causing injury on bridge of the nose.

4. The learned counsel next submits that petitioners have been falsely implicated as from the injury report it would manifest that the informant suffered only one injury on bridge of his nose while there is no injury on head, as such the allegation that informant was assaulted by Rajiv and Hemant by iron rod and 'khanti' does not get corroborated by the injury report.

5. The learned APP and the learned counsel appearing on behalf of the informant does not dispute the said submission of the learned counsel appearing on behalf of the petitioners that there is only one injury suffered by the informant but then submits that the injury suffered by Sunil on nose is grievous in nature.

6. At this stage, the learned counsel for the petitioners submit that even the side of the informant had assaulted Chandan causing injury for which he was referred for PMCH for treatment and thereafter was discharged.



7. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, the anticipatory bail application is allowed only with respect to petitioner no.1 and 2, and the petitioner no.1 and 2 in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Ist, Danapur, Patna in connection with Bihta (Neura) P.S. Case No.658 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The Court is not inclined to extend the privilege of anticipatory bail to petitioner no.3, Chandan Kumar.

9. The application stands partly allowed.

(Satyavrat Verma, J)

Prakash Narayan

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