

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81698 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- DIDARGANJ District- Patna

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1. Nitish Kumar Son of Singhasan Singh @ Ram Singhasan Singh
 2. Mithilesh Kumar Son of Sighasan Singh @ Ram Singhasan Singh
 3. Singhasan Singh @ Ram Singhasan Singh Son of Late Nanda Singh
All resident of Village-Mahmadpur, P.S-Didarganj, District-Patna (Bihar)
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-12-2024 1. 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 Didarganj Police Station Case No. 102 of 2024, dated 14.03.2024, disclosing offences punishable under Sections 341/323/324/325/307/354-B/448/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. Due to quarrel between the children, an altercation took place and both sides have lodge First Information Report and counter First Information Report. The prosecution case, as per the First Information Report lodged against the petitioners, is that on 10.03.2024, the petitioners, along with other co-accused persons, came at the house of the informant and the petitioner no. 1 assaulted the



informant by means of garasa on his head, causing injury and the petitioner no. 2 assaulted the mother of the informant by means of iron-rod and when the second mother of the informant intervened, all the accused persons disrobed her, assaulted her and looted the household articles.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to trivial dispute between their children. Both sides filed case and counter case. Referring to the impugned order, learned Counsel submits that prosecution failed to produce the injury reports in Court. The petitioner no. 3 has been given the benefit of Section 41-A of the Code of Criminal Procedure, 1973.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are neighbours, case and counter case have been lodged and the prosecution failed to produce injury reports of the victims, I am inclined to grant the petitioner nos. 1 and 2 privilege of anticipatory bail.
6. This application is, accordingly, allowed so far as petitioner nos. 1 and 2 are concerned.



7. Let the petitioner no. 1 and 2, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, in connection with Didarganj Police Station Case No. 102 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
8. So far as petitioner no. 3 is concerned, it appears that benefit of Section 41-A of the Code of Criminal Procedure, 1973 has been granted to him by the police, as such, there is no apprehension of arrest of petitioner no. 3. Accordingly, the anticipatory bail application of petitioner no. 3 is rejected as not maintainable.
9. However, if there is genuine apprehension of arrest of petitioner no. 3, he may renew his prayer for bail at appropriate time.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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