

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84326 of 2024

Arising Out of PS. Case No.-394 Year-2023 Thana- BAKHTIYARPUR District- Patna

Ritik Raushan @ Roshy Kumar @ Hritik Kumar @ Raushi Kumar S/o
Mohan Singh @ Sohan Singh R/o vill - New Bypass Raghapur Tola, P.s. -
Bakhtiyarpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sudhir Kumar S/o Vijju Singh R/o vill - Tekka Bigha, P.S. - Bakhtiyarpur,
Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manoj Kumar Pandey
For the Opposite Party/s :	Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2024 1. Heard the parties.

2. The petitioner apprehends arrest in connection with
Bakhtiyarpur P.S. Case No. 394 / 2023 registered under Sections
364, 307, 392, 34 of the I.P.C.

3. As per the first information report on 20.07.2023 in the
wee hours when the complainant / informant reached in a
hospital at Bakhtiyarpur, he found that his brother Randhir
Kumar was lying in unconscious condition. He immediately got
him admitted in Pareja hospital and later on he was referred to
P.M.C.H. due to head injury. After regaining consciousness, the
complaint's brother told that the petitioner took him on his car
to Laxmanpur and brutally assaulted him along with other



accused persons. They threw his brother on the road and fled away.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous enmity and village politics. Both the parties are co-villagers and there is land dispute between them and previous enmity. The occurrence has taken place according to the complaint on 20.07.2023 and the informant's brother got consciousness after twenty seven days of the occurrence but the complaint has been lodged after 1½ months i.e. on 02.09.2023. Even after regaining consciousness, no F.I.R. was lodged by the complainant or anybody else in this matter. The petitioner has also lodged an F.I.R. against the informant / complainant and others bearing Bakhtiyarpur P.S. Case No. 10 of 2023.

5. On the other hand, learned counsel for the State vehemently opposed the prayer for anticipatory bail and submits that there is direct allegation against the petitioner, who assaulted the informant's brother brutally due to which he was admitted to a private hospital and thereafter to P.M.C.H. and regained consciousness after twenty seven days therefore there was no delay in lodging the F.I.R.

6. Regard being had to the submission made by the parties,



taking into consideration the fact that both the parties are co-villagers, there is land dispute and previous litigation between them and there is delay in lodging the complaint- cum- F.I.R. even after regaining consciousness by the informant's brother, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Barh, District - Patna in connection with Bakhtiyarpur P.S. Case No. 394 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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