

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85165 of 2024

Arising Out of PS. Case No.-399 Year-2024 Thana- NAUBATPUR District- Patna

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1. Sudhir Ram @ Sudhir Kumar @ Surendra Kumar Son of Yogendra Ram Resident of Village-Datiyana, P.S- Vikram, Distt.- Patna
 2. Tinku Kumar @ Indra Kumar Son of Yogendra Ram Resident of Village-Datiyana, P.S- Vikram, Distt.- Patna
 3. Yogendra Ram Son of Ramdas Ram Resident of Village-Datiyana, P.S- Vikram, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 324(4), 324(5), 352, 351(2), 351(3), 3(5) of the B.N.S., 2023.

3. Allegedly, the petitioners are said to have abused and assaulted the informant's side brutally by means of deadly weapons due to which they have sustained injuries.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no



offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Though as per FIR, the allegation against the petitioners is that they assaulted the informant and his family members brutally by means of deadly weapons, but except injury report of the informant, no other injury or any evidence with regard to injuries of the family members of the informant is being brought on record, which creates serious doubt about the prosecution case. Learned counsel further submits that there is no specific overt act against the petitioners and they have no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State opposes the prayer for bail and submits that there is direct allegation against petitioner no.2 to assault the informant on his head by means of iron rod causing grievous injury to him. Hence, petitioner no.2 does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, since there is no specific overt act against petitioner nos. 1 & 3, let the above named petitioner nos. 1 & 3, be released on bail, in the event of their arrest or surrender before the learned



Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Naubatpur P.S. Case No.399 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023.

7. However, petitioner no.2 is an author of grievous injury, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of petitioner no.2 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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