

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8125 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- SIWAN CITY District- Siwan

1. SANTOSH KUMAR RAI SON OF LATE RAMCHANDRA GORIA @ RAMCHANDRA PD. RAI RESIDENT OF VILLAGE - GOREYA TOLI, NAI BAJAR, POLICE STATION - SIWAN TOWN, DISTRICT - SIWAN
2. DIGVIJAY KUMAR @ KUMAR DIGVIJAY SON OF LATE RAMCHANDRA GORIA @ RAMCHANDRA PD. RAI RESIDENT OF VILLAGE - GOREYA TOLI, NAI BAJAR, POLICE STATION - SIWAN TOWN, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Mishra, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-09-2024 1. Learned counsel for the petitioners, at this stage, seeks permission to withdraw the prayer for anticipatory bail of the petitioner no. 1, namely, Santosh Kumar Rai.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail application of the petitioner no. 1 is dismissed as withdrawn.
4. Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.
5. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 506, 385 and 379 of the Indian Penal Code.
6. Learned counsel for the petitioner submits that



petitioner has antecedent of one case.

7. The informant alleges that accused persons including the petitioner was dismantling the boundary on his land, accordingly, he along with Prakash Kumar and Chandan Chaudhary reached the place of occurrence when on the order of Santosh Kumar, Rajesh Kumar assaulted the informant by danda, thereafter Ravi Kumar assaulted Chandan by sword causing injury on his head while Digvijay Kumar (petitioner no. 2) assaulted by farsa on neck of the informant but missed while Devashish and Santosh again assaulted Prakash by hockey stick and danda and Rajesh Kumar snatched chain worth Rs.65,000/- from the neck of the informant.

8. Learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to construction of boundary over a piece of land, the alleged occurrence is said to have taken place and the petitioner is alleged to have assaulted the informant by farsa but then missed. It is further submitted that the said allegation is ornamental only to give seriousness to the case.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2 and submits that from perusal of the order impugned, it would manifest that opinion



with regard to the injury of Prakash Kumar and Chandan is reserved which amply demonstrates that they suffered serious injuries but then fairly submits that the allegation of assaulting Prakash is against Devashish and Santosh and Ravi is alleged to have assaulted Chandan by sword.

10. Considering the submissions made by the learned counsel for the petitioner no. 2, let the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Siwan Town P.S. Case No. 388 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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