

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87835 of 2024**

Arising Out of PS. Case No.-322 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Raj Kishore Sah @ Kishore Sah S/O Sahdeo Sah Resident of Village-Semra, P.s.- Chiraiya, District- Motihari(East Champaran)
2. Krishna Kumar S/O Raj Kishore Sah @ Kishore Sah Resident of Village-Semra, P.s.- Chiraiya, District- Motihari(East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      20-12-2024                      Heard learned counsel for the petitioners and  
learned APP for the State.

2. The petitioners apprehend arrest in connection with Chiraiya P.S. Case No. 322 of 2024, punishable for the offences registered under Sections 126(2), 351(3), 115(2), 109, 76, 303(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, petitioners along with other co-accused persons assaulted the informant and his wife. Co-accused, namely, Kanhaiya Kumar assaulted the informant on his head by means of iron rod and petitioner no. 2, namely, Krishna Kumar has also assaulted upon his head due to which he sustained injury.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel for the petitioners also submits that the petitioners are father and son. The petitioners are named in the FIR and no specific allegation has been attributed against the petitioners. Specific allegation of assault is against co-accused, namely, Kanhaiya Kumar. It is next submitted that there is case and counter case between the parties. The petitioners have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 24.10.2024 passed in Cr. Misc. No. 76375 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is further submitted that specific allegation of assault is also levelled against petitioner no. 2, namely, Krishna Kumar. Hence, petitioner no. 2 does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation against petitioner no. 2, this Court is not inclined to grant anticipatory bail to petitioner no. 2. So far as remaining



petitioner, i.e. petitioner no. 1 is concerned, this Court is inclined to grant anticipatory bail to petitioner no. 1.

7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 2, namely, Krishna Kumar, is hereby, **rejected**. However, the petitioner No.2 is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

8. So far as petitioner no. 1 is concerned, let the petitioner (**i.e. petitioner no. 1**), above named, in the event of arrest/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 Court below/concerned Court in connection with Chiraiya P.S. Case No. 322 of 2024, subject to the conditions as laid down under Section 482(2) of the Code of Criminal Procedure.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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