

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6389 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- KALYANPUR District- Samastipur

Manish Kumar S/O Sri Rajendra Rai R/O Village- Muktapur, P.S.- Kalyanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Adv
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Ms. Rupa Kumari, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is not named in the
F.I.R. and apprehended his arrest in connection with
Kalyanpur P.S. Case No. 100 of 2024 registered for the
offences punishable under Sections 341, 323, 324, 354, 504
and 506/34 of the Indian Penal Code.

3. As per FIR the named accused persons
assaulted informant by using axe, *pagaria* etc., causing head
and bodily injuries, which upon medical examination found
grievous. It is alleged that aforesaid assault was made with an
intention to cause death of informant/injured.

4. Learned counsel appearing on behalf of the



petitioner submitted that co-accused person namely Rajendra Rai was granted anticipatory bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 60281 of 2024 dated 26.09.2024. It is submitted that this petitioner was implicated with this case as a matter of an afterthought, during the course of investigation when informant/injured recorded his re-statement under Section 161 of the Cr.P.C. It is further submitted that occurrence took place in the background of land dispute, where for the same set of occurrence a counter case was also registered as Kalyanpur P.S. Case No. 104 of 2024 by petitioner's side. It is submitted that as occurrence was free fight in nature, it can be said safely that petitioner was not under intention to cause death of the informant/injured. While concluding the argument it is submitted that petitioner found involved in two more criminal cases, where he is on bail.

5. Learned APP duly assisted by learned counsel appearing on behalf of Informant, while opposing the prayer for anticipatory bail submitted that petitioner actively participated in occurrence, but she conceded that petitioner



was not named in the FIR.

6. In view of aforesaid facts and circumstances and by taking note of the fact as petitioner was not named in the FIR, where informant himself received injury during the course of occurrence and moreover, named accused facing allegation to cause physical assault upon informant granted anticipatory bail by one of the learned Co-ordinate Bench as discussed aforesaid, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur/concerned Trial Court where the case is pending in connection with Kalyanpur P.S. Case No. 100 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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