

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14926 of 2025

Arising Out of PS. Case No.-275 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

1. Naval Kishore @ Naval Rai Son of Late Shyam Nandan Rai. Resident of Anandpuri, Nalapar,, Back of Jai Matadi Hall, P.S. Sri Krishnapuri, District Patna.
2. Bhodu Kumar @ Rohit Rai Son of Naval Kishore Rai Resident of Anandpuri, Nalapar,, Back of Jai Matadi Hall, P.S. Sri Krishnapuri, District Patna.
3. Akhilesh Kumar Son of Naval Kishore Rai. Resident of Anandpuri, Nalapar,, Back of Jai Matadi Hall, P.S. Sri Krishnapuri, District Patna.
4. Vikash Kumar Son of Shiv Kumar Rai. Resident of Anandpuri, Nalapar,, Back of Jai Matadi Hall, P.S. Sri Krishnapuri, District Patna.
5. Akash Kumar Son of Shiv Kumar Rai. Resident of Anandpuri, Nalapar,, Back of Jai Matadi Hall, P.S. Sri Krishnapuri, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anwar Karim, Adv.
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, Adv.
For the Informant	:	Mr. Hafiz Shahbaz Arif, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Learned counsel for the petitioner has submitted that during the pendency of this petition, the petitioner no. 1 namely Naval Kishore @ Naval Rai and petitioner no. 2 Bhodu Kumar @ Rohit Rai were arrested by police and therefore their prayer *qua* anticipatory bail now become infructuous.

2. Request allowed.

3. Considering the aforesaid submissions, the



present payer of anticipatory bail of petitioner no. 1 namely Naval Kishore @ Naval Rai and petitioner no. 2 Bhodu Kumar @ Rohit Rai stands dismissed become infructuous.

4. Now, this petition survive only against petitioner no. 3 namely Akhilesh Kumar petitioner no. 4 namely Vikash Kumar and petitioner no. 5 namely Akash Kumar.

5. The petitioner nos. 3, 4 and 5 are named in the F.I.R. and apprehending their arrest in connection with Sri Kishnapuri P.S. Case No. 275 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 74, 352, and 351 read with 3(5) of BNS Act.

6. The allegation against petitioners is to assault the husband of the informant along with butt of rifle, *Khanti* and knife etc. causing head and bodily injury, where assault was alleged to be caused with intention to cause his death. Alleged occurrence was committed along with several named accused/family persons. The alleged occurrence took place in the background of neighborhood disputes and differences.

7. It is submitted by learned counsel appearing on behalf of the petitioners that both the parties are agnate and



out of neighborhood disputes and previous enmities the present occurrence took place. It is pointed out that for the same set of occurrence, petitioners side also lodged criminal case against informant side which was lodged as S.K. Puri P.S. Case No. 279 of 2024. It is submitted that occurrence was free fight in nature and therefore it can be safely gathered that petitioners were not under intention to cause death of the husband of the informant and moreover, allegation *qua* physical assault is not available against them rather same is available against other co-accused persons. While concluding arguments, it is submitted that all the petitioners are said to be men of clean antecedents.

8. Learned APP duly assisted by Mr. Hafiz Shahbaz Arif learned counsel for the informant while opposing the prayer of anticipatory bail submitted that petitioner actively participated during the occurrence.

9. In view of aforesaid facts and submission and by taking note of fact as *prima-facie* allegations of assault is not available against above-named petitioners, coupled with the fact that the occurrence appears *prima-facie* free fight in



nature where both parties received injuries, accordingly petitioner no. 3 namely, Akhilesh Kumar petitioner no. 4 namely Vikash Kumar and petitioner no. 5 namely Akash Kumar, in the event of their arrest or surrender before the court below within a period of four weeks, are 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 CJM, Patna/concerned Court, where the case is pending in connection with Sri Kishnapuri P.S. Case No. 275 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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