

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20606 of 2025

Arising Out of PS. Case No.-519 Year-2024 Thana- DHANARUA District- Patna

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1. Dipak Kumar S/o Shiv Balak Prasad R/o Nasrinachak, P.S.- Dhanarua, Distt.- Patna
 2. Babbi Kumar S/o Sikandar Prasad R/o Village- Lalsachak Patharhat, P.S.- Dhanarua, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Dewanand Tiwari, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Pramod Kr. Yadav, Advocate
		Mr. Sudhanshu Kumar, Advocate
		Mr. Sumit Kumar, Advocate
		Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-04-2025 Heard learned counsel appearing on behalf of the petitioners, learned A.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 118(2), 109(1), 103(1), 325 and 3(5) of the Bharatiya Nyaya Sanhita and under Section 27 of the Arms Act.

3. The case of the prosecution, in brief, is that on the alleged date and time of occurrence, while the informant was



returning with his father Nawal Prasad and uncle Munna Prasad with the buffalo and as they reached near Sewati School, two persons each on two bikes stopped the informant along with his father and uncle. Petitioner No. 2 and co-accused Bipul were on one bike and on the other bike co-accused Rakesh Kumar and one unknown miscreant who was covering his face with black *gamchha* was there. It is further alleged that co-accused Rakesh Kumar fired at the temple region of the father of the informant and thereafter, Petitioner No. 2 and co-accused Bipul assaulted with knife on the stomach and thigh. It is also alleged that co-accused Rakesh Kumar again fired which hit the thigh and thereafter, co-accused Bipul fired at the father and uncle of the informant which hit the buffalo, due to which the buffalo died.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Petitioner No. 1 is not named in the F.I.R. and his name surfaced in the present case on the basis of confessional statement of co-accused Dipu. Except confessional statement, there is no material on record to show the complicity of Petitioner No. 1 in the alleged occurrence. Specific accusation of assault is against Petitioner No. 2 and other co-



accused persons. Petitioners claim clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that Petitioner No. 2 is named in the F.I.R. with specific accusation that he assaulted by means of knife.

6. Considering the specific and direct nature of accusation, the prayer for grant of anticipatory bail to Petitioner No. 2 is rejected.

7. So far as Petitioner No. 1 is concerned, considering the nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to Petitioner No. 1 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner No. 1 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi in connection with Dhanarua P.S. Case No. 519 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..



9. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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