

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48979 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- KHIRI MORE District- Patna

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1. Dev Narayan Bind @ Dev Narayan Prasad S/o Vasudev Bind @ Basudev Prasad Resident of village Tola bigha, Hemanpur, P.S.-Khiri More, District- Patna
 2. Shailesh Kumar @ Sailesh Kumar Bharti S/o Punit Bind Resident of village Tola Bigha, Hemanpur, P.S.-Khiri More, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 29-01-2025 1. Prayer for bail of petitioner no. 1 has already been dismissed as withdrawn vide order dated 23.10.2024.
2. Heard learned counsel for the petitioner no. 2, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
3. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 307 and 354 of the Indian Penal Code.
4. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 is a person with clean antecedent and the informant alleges that his nephew (Suresh Kumar) went to his field for some work when named accused persons including the petitioner no. 2 came variously armed. Further, Dev Narayan



Bind and petitioner no. 2 were carrying pistol and both the accused assaulted Suresh Kumar on point of pistol. On alarm, the family members of Suresh Kumar came when accused persons assaulted them and acted inappropriately with the female members.

5. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 has been falsely implicated in the instant case with general, omnibus and vague allegation. It is further submitted that no doubt, in the FIR, it is alleged that petitioner no. 2 along with Dev Narayan Bind were carrying arms but then the case has not been instituted under the Arms Act nor anyone received any firearm injury nor any cartridges were found from the place of occurrence, as such, the said allegation was levelled only to give seriousness to the case. It is next submitted that even Suresh Kumar, who is alleged to have been assaulted, suffered simple injury. It is also submitted that from side of the petitioner no. 2 also Khiri More P.S. Case No. 79 of 2024 was instituted. It is submitted that between the side of the petitioner no. 2 and the informant both civil and criminal cases are pending as has been detailed in para 8 of the anticipatory bail application.

6. Learned A.P.P. for the State and learned counsel



appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner no. 2 but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner no. 2 that the allegation of assault is general and omnibus in nature and Suresh Kumar has received simple injury.

7. Considering the submissions made by the learned counsel for the petitioner no. 2, let 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 Khiri More P.S. Case No. 78 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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