

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55421 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- DARIYAPUR District- Saran

1. Atish Kumar @ Aatish Kumar Son of Late Bachu Rai @ Bachchu Rai Resident of Vill-Nath Chapra, P.S.- Dariyapur, District- Saran at Chapra
2. Amit Kumar Son of Late Bachu Rai @ Bachchu Rai Resident of Vill-Nath Chapra, P.S.- Dariyapur, District- Saran at Chapra
3. Anil Kumar Son of Late Bachu Rai @ Bachchu Rai Resident of Vill- Nath Chapra, P.S.- Dariyapur, District- Saran at Chapra
4. Niraj Kumar Son of Tuntun Rai Resident of Vill-Nath Chapra, P.S.- Dariyapur, District- Saran at Chapra
5. Nitish Kumar Son of Tuntun Rai Resident of Vill-Nath Chapra, P.S.- Dariyapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 14-02-2025 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Dariyapur Police Station Case No. 113 of 2024, disclosing offences under Sections 341, 323, 307, 379, 354(B), 504, 506, and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, as per the First Information Report, recorded on 28.02.2024 before the S.H.O., P.M.C.H. that on 26.02.2024, in the afternoon, informant's uncle Raghunath Rai had gone to the house of his co-villager for milking cow. In the



meanwhile, petitioners along with other accused persons surrounded him along with weapons, opened fire and assaulted indiscriminately with intention to commit murder due to which his uncle sustained cut injury. Upon receiving this information, the informant along with his mother suddenly reached near the place of occurrence where the petitioners along with other accused persons arrived with lathi, rod, pistol, etc. in their hands, assaulted the informant due to which he fell down and sustained injury. It has further been alleged that the co-accused petitioner no. 1 assaulted on the head of the informant with iron rod causing head injury and another accused persons assaulted the informant's mother and outraged her modesty by disrobing her.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case. The allegation against the petitioners and other is general and omnibus in nature and the specific allegation is against the petitioner no. 1 who assaulted the informant on his head. The injury caused to the informant which is attributable to the petitioner no. 1 is simple in nature. A counter case has been lodged by the side of the petitioners against the informant and others bearing Dariyapur P.S. Case No. 101 of 2024. Both sides have sustained injury and three persons from the side of the petitioners have also sustained injury and co-accused Tuntun Rai has been granted bail by this Court in



Criminal Misc. No. 66949 of 2024.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and there is a case and counter case, both sides have sustained injury, the injuries caused to the victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra, in connection with Dariyapur Police Station Case No. 113 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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