

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55319 of 2025

Arising Out of PS. Case No.-313 Year-2020 Thana- KHIJARSARAI District- Gaya

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1. Dipak Sao @ Dipak Kumar S/O Late Jagdish Sao Resident Of Village-Khizersarai, P.S.- Khizersarai, Dist.- Gaya
 2. Ajay Sao @ Ajay Kumar S/O Late Jagdish Sao Resident Of Village-Khizersarai, P.S.- Khizersarai, Dist.- Gaya
 3. Golu Kumar @ Aman Kumar S/O Ajay Sao Resident Of Village-Khizersarai, P.S.- Khizersarai, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-08-2025 1. 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 Khizersarai Police Station Case No. 313 of 2020, dated 11.10.2020, disclosing offences punishable under Sections 323/341/342/307/308/379/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that while the informant was returning home after closing his vegetable shop, the petitioners surrounded him, abused him and assaulted him. It has further been



alleged that petitioner no. 3 assaulted the informant on his head by means of iron rod, due to which he sustained head injury. The petitioner no. 1 took out Rs. 4,000/- from the pocket of the informant and also snatched one gold ring of the informant.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to previous enmity and monetary dispute. He further submits that there is delay of nine days in lodging the present First Information Report. He further submits that the petitioners have been given the privilege of Section 41-A of the Code of Criminal Procedure, 1973.
5. I have heard learned Counsel for the parties concerned and have gone through the impugned order.
6. The learned 14th District and Additional Sessions Judge, Gaya, has disposed the bail application of the petitioner, bearing A.B.P. No. 1939 of 2025, on 12.06.2025, giving liberty to the petitioner to surrender and seek regular bail as there is no apprehension of arrest of the petitioners.
7. Considering the aforesaid, this application is disposed with liberty to the petitioners to surrender before the concerned Magistrate within a period of three weeks from



today and seek regular bail. If the petitioners surrender, the learned Magistrate will consider their bail application on the basis of law laid down by the Hon’ble Supreme Court, in the cases of **Satendra Kumar Antil** (supra) and **Arnesh Kumar v. The State of Bihar and Another**, reported in **(2014) 8 SCC 273** as well as the decision of this Court, in the cases of **Naushad Ansari v. The State of Bihar** (Criminal Misc. No. 3536 of 2024) and **Asha Baitha v. The State of Bihar** (Criminal Misc. No. 44659 of 2024).

8. This anticipatory bail application is disposed accordingly.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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