

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57796 of 2025

Arising Out of PS. Case No.-317 Year-2025 Thana- GARKHA District- Saran

1. Alok Kumar S/O Chandeswar Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
2. Yogendra Rai S/O Late Kedar Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
3. Sanjay Rai S/O Late Kedar Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
4. Sunny Kumar S/O Lallu Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
5. Mintu Rai @ Mintu Kumar S/O Lootan Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
6. Amodh Kumar S/O Munna Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
7. Lucky Kumar S/O Yogendra Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
8. Rohit Kumar S/O Charan Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra
9. Bipin Kumar S/O Jai Prakash Rai Resident Of Village- Zilkabad Pachbhiria, Police Station- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 27-08-2025 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. At this stage, the petitioner does not want to press
the anticipatory bail application with respect to petitioner No.1,
namely, Alok Kumar and hence, seeks withdrawal of the same.



3. Permission is accorded.

4. The anticipatory bail application with respect to petitioner No.1, namely, Alok Kumar, stands dismissed as withdrawn.

5. Insofar as the petitioner Nos.2 to 9 are concerned, petitioner Nos.2 to 5 have criminal antecedent and they have been made accused in another case *vide* Garkha P.S. Case No.643 of 2023 for the offences under Sections 147, 149, 149, 323, 353, 307, 120B, 504 and 506 of the Indian Penal Code, in which they are on bail, while petitioner Nos.6 to 9 have clean antecedent.

6. The petitioners are apprehending their arrest in connection with Garka P.S. Case No.317 of 2025 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 109, 303(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

7. According to prosecution case, the informant, in his statement dated 07.05.2025, alleged that on 06.05.2025 around 7 PM, while returning home, he asked co-villager Alok Kumar to move his four-wheeler parked in the middle of the road near Pankaj Sharma's house. The accused persons then brutally assaulted him with a lathi and an iron rod, causing



serious injuries and breaking his teeth. They also snatched his locket and threatened him not to lodge a complaint.

8. Learned counsel for the petitioner submits that the present occurrence took place because of a scuffle between the petitioner and the informant and it is possible that due to such scuffle, the informant fell down, hitting his teeth and might have sustained some injuries. From the F.I.R., there was some dispute going on between them and it appears that because of that earlier minor dispute, which is still persisting, the present case has been instituted just to pressurize them.

9. Be that as it may, from the F.I.R., it appears that there is a direct allegation against petitioner No.1, namely, Alok Kumar, that he has done an overt act and the allegation with regard to injuries sustained by the informant is specific against him and the injury is grievous in nature to which, the learned counsel for the petitioner has sought withdrawal of the anticipatory bail application with respect to petitioner No.1 and further, from the conduct of other co-accused persons, i.e. petitioner Nos.2 to 9, the allegation of overt act has not been alleged and to this the learned Additional Public Prosecutor for the State does not dispute the fact.

10. Considering the aforesaid facts and circumstances



and looking into the nature of injury and the act of the other co-accused persons, whose direct implication has not been found during the course of investigation and there is no specific allegation against the petitioner Nos.2 to 9 rather the allegation is general and omnibus in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Garkha P.S. Case No. 317 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;



(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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