

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72125 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- DANAPUR District- Patna

Raushan Kumar Son of Kishore Sharma @ Kishore Kumar Sharma Resident
of Vill- Lalkothi, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Adv.
For the State : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 324, 307,
504, 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant Rahul
Sharma returned to his house, he found three miscreants
assaulting his younger brother, namely, Raushan Sharma, who
was in an intoxicated state. The informant's brother i.e. the
present petitioner, being intoxicated, abused the informant and
fled away, but after sometime, he returned with his two other
brothers and assaulted the informant by way of *khanti*, pistol
and rod due to which the informant sustained injuries and fell
unconscious.



4. Learned counsel for the petitioner submits that it would be apparent from the FIR itself that the petitioner and the informant are own brothers and as a matter of fact, the petitioner was being assaulted by some unknown miscreants as per the FIR itself and hence, there is no reason why the petitioner would have assaulted the informant. It is further submitted that there is no specific allegation of assault upon the petitioner and the injury report available along with the case diary also shows that the injuries sustained by the informant are simple in nature. It is next submitted that no offence under Section 307 of the Indian Penal Code is made out in the facts of the case.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the fact that the matter relates to some disputes between brothers and also the nature of the injuries sustained by the informant, I am inclined to grant the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 of the learned lower Court where the case is
pending/successor Court in connection with Danapur P.S. Case
No. 56 of 2024, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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