

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73209 of 2025

Arising Out of PS. Case No.-341 Year-2025 Thana- HILSA District- Nalanda

1. Surendra Kumar S/O Bijindra Prasad R/O Vill.- Manpur, P.S.- Hilsa, Dist.- Nalanda.
2. Ballam Prasad @ Raj Ballav Prasad S/O Late Dev Nandan Prasad R/O Vill.- Manpur, P.S.- Hilsa, Dist.- Nalanda.
3. Dharmendra Kumar S/O Ballam Prasad @ Raj Ballav Prasad R/O Vill.- Manpur, P.S.- Hilsa, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raushan Abhishek
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-11-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Hilsa P.S. Case No. 341 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 115(2), 118(1), 303(2), 324(4), 109(1), 352 of BNS and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and others armed with pistol, rod and farsa came at the house of informant and started abusing him. It is alleged that co-accused Pintu Kumar assaulted the informant's father upon his head by means



of butt of pistol as a result of which informant's father sustained injury. It is further alleged that the all the accused persons entered into the informant's house and looted jewellery worth Rs. 10 lakh after breaking the lock of box and also looted house hold articles. It is alleged that while fleeing away, accused persons fired upon the informant and his family members by means of pistol.

4. Learned counsel for the petitioners submits that there is no specific allegation of assault against any of the petitioners and allegation against the petitioners is general and omnibus in nature. He further submits that there is allegation against ten accused persons including the petitioners to assault the informant's father but the victim has only four injuries which clearly denotes that the allegation made in the FIR is not consistent with the injury report. The petitioners are innocent and have committed no offence as alleged in the FIR and the petitioners have falsely been implicated in the present case. He further submits that the injury report of informant's father clearly indicates that informant sustained four injuries on his body and all injuries are simple in nature. Hence, no case is made out against the petitioners under Section 109(1) of B.N.S. He further submits that the allegation of looting articles is



nothing but super addition. He further submits that there is case and counter case between the parties on the same date of occurrence and free fighting cannot be ignored. The petitioners bear criminal antecedent of two cases in which they are on bail. He further submits that on similar and identical allegation, co-accused Raju Kumar and others have already been granted anticipatory bail by this Court vide Cr. Misc. No.60940/2025 and on the principle of parity, the petitioners also deserve same treatment.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners by submitting that though there is no specific allegation against the petitioners but they are named in FIR and they cannot escape from the allegation made in prosecution story.

6. Considering the facts and circumstances of the case, there is no specific allegation of assault levelled against the petitioners, on similar and identical allegation co-accused persons have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 341 of 2025, subject to the conditions as laid down under Section 482 (2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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