

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84986 of 2024

Arising Out of PS. Case No.-417 Year-2024 Thana- MAHARAJGANJ District- Siwan

1. Ajay Kumar Diwedi Son of Sri Suresh Diwedi village- Kathua Sarangpur Po and PS -Maharajganj District -Siwan
2. Nesar Alam @ Nisar Ansari son of Ajulhak Miyan @ Ainul Haque Miyan village- Ramapali, Po and PS -Maharajganj District -Siwan
3. Nawneet Kumar @ Pandayjee Son of Sri Vinay Pandey village- Radhika ultrasound centre, Po and PS -Maharajganj District -Siwan
4. Manoj Kumar Singh Son of Sri Ramchandra Singh village- Radhika ultrasound centre, Po and PS -Maharajganj District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rajkumar Mishra
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-04-2025 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 Maharjganj Police Station Case No. 417 of 2024, dated 10.09.2024, disclosing offences under Sections 115(2)/126(2)/118(1)/109/352/351(2)/3(5) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report,



is that on 10.09.2024, at about 07:00 PM, when the informant reached near Maharajganj Bazar Hospital with his brother-in-law Harithik Srivastava for discussion with Nagar Panchayat's sanitation workers as they were going on strike, and reached near Jari Mai Gate where the petitioner no. 1 having sword in his hand, petitioner nos. 2 and petitioner no. 4, having hockey sticks in their hands and petitioner no. 3 having iron rod in his hand, surrounded the informant and his brother-in-law, opened the gate of vehicle and pulled them down. Petitioner no. 1 assaulted the informant on his head with sword due to which he sustained injury. When the informant's brother-in-law tried to save him, he was also assaulted by co-accused Mantu Dwivedi. Subsequently, all the accused persons assaulted the informant and his brother-in-law indiscriminately. The reason behind the occurrence has been alleged that the side of the petitioners used to run an illegal ultra sound centre, for which, the complaint was made by the informant to the Health Department and also before the Chief Minister's Janta Darbar, after which investigation was held and the ultra sound centre of the petitioners was sealed.



4. Learned senior counsel for the petitioners submits that the occurrence has taken place due to business rivalry between the parties inasmuch as both the parties are engaged in running ultra sound centres in the locality. He next submits that for an occurrence which took place on the same date and time, a counter-case has also been lodged by the side of the petitioners, bearing Maharajganj Police Station Case No. 418 of 2024, against the informant and others. Injuries sustained by the victims are simple in nature as would be evident from the injury report, annexed at Annexure-4/5 of the supplementary affidavit. The side of the petitioners has sustained injuries in the said occurrence which is also simple in nature. With regard to the criminal antecedents of the petitioner nos. 1 and 2, learned counsel submits that as apparent from the statement made in the supplementary affidavit that majority of the cases are related with the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) and the petitioner nos. 1 and 2 have been acquitted in most of the cases.
5. Having regard to the submissions made on behalf of the



parties and taking into consideration the fact that both the parties are running ultra sound centres having business rivalry between them, case and counter-case is there and injuries sustained by 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 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Maharajganj Police Station Case No. 418 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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