

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85009 of 2024

Arising Out of PS. Case No.-270 Year-2024 Thana- ALOULI District- Khagaria

1. Lalmani Devi wife of Dinesh Singh Village -Alauli P.S- Alauli District- Khagaria
2. Mithlesh Kumar @ Mithilesh Kumar Son of Dinesh Singh Village -Alauli P.S- Alauli District- Khagaria
3. Sharwan Kumar @ Shrawan Kumar son of Dinesh Singh Village -Alauli P.S- Alauli District- Khagaria
4. Akhilesh Kumar @ Aklesh Kumar son of Dinesh Singh Village -Alauli P.S- Alauli District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Alauli PS case no. 270 of 2024, disclosing offences punishable under Section 126 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 18.07.2024 in the morning, petitioners along with other accused persons armed with deadly weapons entered into the informant's house and started demanding Rs. 50,000/-



per month as rangdari. Upon protest made by the informant and others, petitioners and other accused persons started assaulting him and when the father of the informant intervened, petitioners no. 2 and 4 dragged him from his house and petitioner no. 4 assaulted the informant's father with iron rod on head causing head injury. When informant's mother intervened, petitioner no. 3 assaulted her on her face causing injury near her nose and ear. Petitioners no. 2 and 4 snatched Rs. 40,000/- from the informant's father.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to the reason that side of the petitioners are vegetable vendor and they had supplied vegetables to the informant's side on credit basis and when he demanded the amount, they have been abused and assaulted, for which, a counter case bearing Alauli PS Case No. 273 of 2024 was lodged by the petitioners' side against the informant and others.

5. On the other hand, learned counsel for the State argued that there is specific allegation of assault against petitioner no. 4 that he assaulted the father of the informant by iron rod and informant's father sustained grievous injury on his head, as would be evident from the impugned order as well as



the injury report, annexed as Annexure-2 to the present application.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the allegation against petitioner no. 4 is specific in nature and the father of the informant has sustained grievous injury, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 4, accordingly the present application *qua* petitioner no. 4 is rejected.

7. Insofar as petitioners no. 1, 2 and 3 are concerned, the allegation against them is general and omnibus in nature and the injury caused to other victims does not appear to be serious in nature, inasmuch as the learned Additional Sessions Judge has discussed the injuries of the victims Mohan Kumar, Krishna Kumar and Adula Devi but has not mentioned the nature of injuries.

8. This application is, partly, allowed.

9. Let petitioners no. 1, 2 and 3, abovenamed, in the event of their arrest or surrender before the Court below within six 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, Khagaria in connection with Alauli PS case no. 270
of 2024, subject to the condition laid down under Section 438
(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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