

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90344 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- DURAULI District- Siwan

1. Murli Bin @ Murli Kumar Bin Son of Vakil Bin @ Vakil Prasad Resident Of Village- Narayanpur, (Balhu Tola Tari), PS- Darauli, Distt.- Siwan
2. Abit Bin @ Adit Bin Son of Vakil Bin @ Vakil Prasad Resident Of Village- Narayanpur, (Balhu Tola Tari), PS- Darauli, Distt.- Siwan
3. Vakil Bin @ Vakil Prasad Son of Paras Bin Resident Of Village- Narayanpur, (Balhu Tola Tari), PS- Darauli, Distt.- Siwan
4. Kanhaiya Bin @ Kanhaiya Kumar Bin Son of Vakil Bin Resident Of Village- Narayanpur, (Balhu Tola Tari), PS- Darauli, Distt.- Siwan
5. Maksudan Bin Son of Sukhdeo Bin Resident Of Village- Narayanpur, (Balhu Tola Tari), PS- Darauli, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Darauli PS case no. 314 of 2024, disclosing offences punishable under Section 109 and other allied sections of the B.N.S. Act.
3. The prosecution story, as per the First Information Report, is that 29.09.2024, informant sent his sons Manish Kumar and Karan Kumar to look after the fish pond, situated at



Nikari ghat. In the meanwhile, petitioners and other accused persons along with 20 unknown persons were found catching the fish and when objected, they abused and assaulted the son of the informant by lathi and iron rod. Accused Akshay Bin and petitioner no. 1 assaulted both the informant's son upon their heads by means of iron rod, due to which, Manish Kumar has sustained grievous fracture injury on his head.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to dispute regarding catching of fish from the pond. Learned counsel further submits that the allegation against petitioner no. 1 along with other accused persons are specific, however the allegation against petitioners no. 2, 3, 4 and 5 are general and omnibus in nature. He also submits that the victim has sustained only one grievous injury on his head.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that specific allegation of assault on the head of informant's sons is upon petitioner no. 1 along with other accused persons and victim has sustained grievous injury, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 1.

6. This application *qua* petitioner no. 1 is,



accordingly, rejected.

7. Insofar as petitioners no. 2, 3, 4 and 5 are concerned, the allegation against them are general and omnibus in nature, hence I am inclined to grant the privilege of anticipatory bail to petitioners no. 2, 3, 4 and 5.

8. Let petitioners no. 2, 3, 4 and 5, 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, Siwan in connection with Darauli PS case no. 314 of 2024, subject to the condition laid down under Section 482 of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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