

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89414 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- BIRAUL District- Darbhanga

Naina Sahu @ Nayan Sahu Son of Radha Prasad Sahu Resident of Village- Ghovsar Hanuman Nagar, P.S. - Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 89448 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- BIRAUL District- Darbhanga

Suman Nayan Sahu Son of Naina Sahu Resident of Village- Ghovsar Hanuman Nagar, P.S.- Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 89414 of 2024)
For the Petitioner/s : Mr. Amresh Kuamr Sinha, Adv
For the State: Mr.Chandra Sen Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 89448 of 2024)
For the Petitioner/s : Mr.Dewanand Tiwari
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 17-07-2025 Both the cases are being taken up together as they arise out of the same police station case.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. Petitioners apprehend their arrest in a case registered for the offences punishable under sections 341, 342,



323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

4. The allegation in the FIR, is that three of the accused persons initially entered into a physical altercation with the informant and his son Ritesh Kumar Singh having intervened in the matter, all of them assaulted him. Further allegation is that on the order of the present petitioner, the other accused persons assaulted the victim Ritesh with sticks, iron rod and farsa etc. The specific allegation is upon Arun Sahu, Suman Sahu and Govind Sahu of giving some fatal blow.

5. Learned counsel for the petitioners submits that it would be apparent from the FIR itself, that the specific allegation of assault is upon Arun Sahu, Suman Sahu and Govind Sahu and so far as the petitioner is concerned, his name does not transpire in the initial part of the FIR and subsequently, it has been indicated on the ground of he being the order giver. The injury report of the victim reveals that the injuries are in the nature of abrasion, bruise caused by hard and blunt substance however, one of the injuries is also grievous in nature.

6. The learned APP for the State opposes the anticipatory bail of the petitioners.

7. In such view of the matter, taking into consideration



that there is direct allegation of assault against petitioner Suman Nayan Sahu in Cr. Misc. No. 89448 of 2024, I am not inclined to grant privilege of anticipatory bail and the same is accordingly rejected.

8. However, considering the fact that petitioner Naina Sahu in Cr. Misc No. 89414 of 2024 has only been attributed with the allegation of being the order giver and having no criminal antecedent, let the petitioner, in the event of his arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in connection with Biraul P.S.Case No. 114 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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