

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8670 of 2020**

Arising Out of PS. Case No.-246 Year-2019 Thana- MUFFASIL District- Aurangabad

1. NAKUL PRASAD Son of Late Ramdas Ram Resident of Village - English, P.S.- Aurangabad (Muffasil), Distt – Aurangabad, Bihar.
2. Bhirgu Prasad Son of Rameshwar Prasad Resident of Village - English, P.S.- Aurangabad (Muffasil), Distt – Aurangabad, Bihar.
3. Brajesh Kumar Son of Ramgulam Prasad Resident of Village - English, P.S.- Aurangabad (Muffasil), Distt – Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar
For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 28-02-2020 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition *qua* the petitioner no. 3, hence, the present petition stands dismissed as withdrawn *qua* the petitioner no. 3.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Aurangabad (Mufassil) PS case no. 246 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 324, 504 of Indian Penal Code.

The case of the prosecution in short is that as soon



as the informant reached near the pond situated near his house, co-accused person namely Brajesh Kumar assaulted him by sword and when he fell down, one Chandan Kumar tried to rescue him but he was also assaulted by one person namely Rameshwar Prasad. As far as petitioners no. 1 and 2 are concerned, there is general and omnibus allegation levelled against them.

The learned counsel for the petitioners has submitted that as far as petitioners no. 1 and 2 are concerned, no role has been attributed to them for the assault being made upon the informant and they are having clean antecedent.

The learned counsel for the informant has opposed the prayer for bail, as far as petitioner no. 3 is concerned.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners, I deem it fit and appropriate to admit the petitioners no. 1 and 2 to the privilege of anticipatory bail. Accordingly, petitioners no. 1 and 2, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail



bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Aurangabad (Mufassil) PS case no. 246 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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