

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26279 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- SIMRI District- Darbhanga

1. RAM NARESH BHANDARI Son of Late Raudi Bhandari Residence of Village - Kanshi, P.S.- Simri, Dist.- Darbhanga.
2. Raja Bhandari Son of Shyam Naresh Bhandari Residence of Village - Kanshi, P.S.- Simri, Dist.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-11-2020 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1 namely Ram Naresh Bhandari. Accordingly, the present petition qua the petitioner no. 1 herein stands dismissed as not pressed, however, with liberty to petitioner no. 1 to appear before the learned court below in connection with Simri P.S. Case No. 161 of 2019 and seek regular bail.

Heard the learned counsel for the petitioner no. 2 and the learned APP for the State Shri Upendra Kumar.

The petitioner no. 2 apprehends his arrest in connection with Simri P.S. Case No. 161 of 2019 for the offence punishable under Sections 354(B)/ 504/379 and other allied



sections of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having arrived at the house of the informant, whereafter they had engaged in assaulting the informant and others by iron rod, sticks etc. As far as the petitioner no.1 is concerned, he is stated to have assaulted the informant i.e. Ram Bilash Bhandari, resulting in him sustaining grievous injury whereas, the petitioner No. 2 is alleged to have assaulted the son of the informant namely Mohan Bhandari with lathi, however, he is stated to have received simple injury.

The learned counsel for the petitioner no.2 has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that as far as the petitioner no.2 is concerned, he is alleged to have assaulted Mohan Bhandari and the injuries sustained by him have been found to be simple in nature.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner no.2.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned



counsel for the parties and taking into account the materials available in the case diary, it is apparent that injuries inflicted upon Mohan Bhandari, attributable to the petitioner no.2, is simple in nature, hence, I deem it fit and proper to admit the petitioner no.2 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner no.2, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 161 of 2019, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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