

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14992 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- DAGARUA District- Purnia

1. WAHID Son of Tajul R/o Village- Hatgachhi, P.S.- Dagaruwa, District-Purnea.
2. Husnain Son of Wahid R/o Village- Hatgachhi, P.S.- Dagaruwa, District-Purnea.
3. Mintu Son of Wahid R/o Village- Hatgachhi, P.S.- Dagaruwa, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioners are apprehending their arrest in connection with Dagaruwa P.S. case No.110 of 2020 registered under Sections 147, 148, 149, 341, 323, 307, 504, 302 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners having weapons in their hands came and the



petitioner No.1 assaulted the informant by means of lathi and petitioner No.2 assaulted the son of the informant on his head by means of khanti, as a result of which he sustained head injury and in course of treatment the son of the informant died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Altogether 28 persons are named in the F.I.R. The petitioner No.1 is said to have assaulted the informant. There is no allegation of assault against the petitioner No.1 in respect of the deceased. So far the petitioner No.3 is concerned, general and omnibus allegation has been made. No specific overt act is alleged against him.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R. There is specific allegation of assault against the petitioner No.2. Petitioner No.2 is said to be the assailant. The postmortem report corroborates with the allegations made in the F.I.R. in respect of petitioner No.2.

Considering the facts and circumstances of the case, the petitioner Nos.1 and 3, above named, in the event of arrest



or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Dagaruwa P.S. case No.110 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far the petitioner No.2 is concerned, I am not inclined to grant anticipatory bail to the petitioner No.2. The same is rejected.

If the petitioner No.2 surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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