

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4430 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- HUSSAINGANJ District- Siwan

Altmas @ Altamas Son of Raees Ahmad Resident of Village - Madakan,
Police Station - Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the informant	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner, Sri Shantanu Kumar, the learned A.P.P. for the State and Sri Prashant Kumar, the learned counsel for the informant.

This is an application for grant of anticipatory bail in connection with Hussainganj PS case no. 212 of 2020 registered for the offences punishable under Sections 307 and other allied sections of Indian Penal Code.

The accused persons are alleged to have arrived at the door of the house of the informant being armed with stick, *farsa*, *dab* and iron rod, whereafter they are alleged to have assaulted the informant and others. As far as the petitioner is concerned, there is no specific allegation of him having engaged in any sort of overt act.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the other co-accused persons especially Raees Ahmad had assaulted the informant resulting in him receiving various injuries, however as far as the petitioner is concerned, he is not alleged to have assaulted any member of the prosecution party.

Per contra, the learned counsel for the informant as also the learned APP for the State have though vehemently opposed the prayer for bail but they have not been able to show from the *fardbeyan* regarding any allegation of assault having been levelled against the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that a general and omnibus allegation has been levelled, as far as the petitioner is concerned and he is not alleged to have assaulted any member of the prosecution side and moreover, he is having a clean antecedent, hence, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed



petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIII, Siwan in connection with Hussainganj PS case no. 212 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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