

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11975 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- OBRA District- Aurangabad

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1. KAUSHAL SAO SON OF DEVCHAND SAO RESIDENT OF VILLAGE-SHANKARPUR, P.S.- OBRA, DISTRICT- AURANGABAD
 2. SHANKAR SAO SON OF DEVCHAND SAO RESIDENT OF VILLAGE-SHANKARPUR, P.S.- OBRA, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Adv.
Mr.Aman Vishal, Adv.
For the Opposite Party/s : Mr.H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2021 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Obra P.S. Case No.122/2020, registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The allegation against the petitioners is that due to some altercation, the petitioners assaulted the informant with khanti on his head. Thereafter, informant's family members came for



rescue, then they were also assaulted .

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. Entire prosecution case is concocted and fabricated one. No such occurrence as alleged ever took place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Both sides are agnates and have a land dispute. There is case and counter-case between the parties. A partition suit No.133/2017/51/2017 is also going on between the parties. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific overt act against the petitioners.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioners named above.

The anticipatory bail application is accordingly, dismissed.

However, the petitioners are directed to surrender before the learned court below and seek regular bail.

The learned trial court is directed to consider and dispose



of the case of the petitioners on the same date, in accordance
with the merits of the case, without being prejudiced by the
dismissal of this case.

(Anjani Kumar Sharan, J)

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