

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6289 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- SITAMARHI District- Sitamarhi

1. CHANDRA PRAKASH MANDAL S/o Late Ganesh Mandal R/o Janki Asthan, Ward No. -5, Mandal Nagar, P.S. and District- Sitamarhi.
2. Anand Kumar S/o Chandra Prakash Mandal R/o Janki Asthan, Ward No. 5, Mandal Nagar, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Adv

For the Opposite Party/s : Mr. H.A. Khan, APP
Mr. Mithilesh Kumar Khare, Adv
Mr. Jitendra Kumar Giri, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2022 Heard the parties.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1.

Permission is granted.

Accordingly, the instant application for petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no. 2 only.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 147, 148, 149, 302, 504 of the Indian Penal Code.



Allegedly, the nephew of the informant took Rs.2 from one Chhotu Kumar. Even after returning the said amount, Chhotu Kumar abused and stabbed his nephew in the chest. All the persons named in F.I.R. surrounded the victim and one Chandra Prakash tramped and pushed his motor cycle over the body of the victim. On being brought to the hospital, the doctors declared him dead.

Learned counsel for the petitioners submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner no.2. The specific allegation of assaulting the victim is against co-accused Chhotu Kumar. Petitioner has no criminal antecedent, as also mentioned in para-2 of the bail application.

Considering the aforesaid facts and circumstances, since there is no specific overt act against the petitioners, let the petitioner no.2, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Sitamarhi P.S Case No.103 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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