

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35456 of 2021

Arising Out of PS. Case No.-266 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

1. Upmanyu Upadhyay S/o Raghav Upadhyay R/o Village Bhathwan Parsuram, P.S. Kuchaikot, District Gopalganj.
2. Bablu Upadhyay S/o Raghav Upadhyay R/o Village Bhathwan Parsuram, P.S. Kuchaikot, District Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-02-2022 Heard learned counsel for the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in Kuchaikot P.S. Case No.266 of 2020, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 326, 427 and 504/34 of the Indian Penal Code.

Petitioner No.1 is said to have assaulted the informant



by means of *farsa* on his head. Other accused persons are also said to have indiscriminately assaulted the informant by means of different weapons.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that specific overt act is alleged against petitioner no.1, Upmanyu Upadhyay and Nawal Upadhyay. It is further submitted that Nawal Upadhyay has already been granted anticipatory bail by a coordinate Bench of this Court vide order passed in Cr. Misc. No.1969 of 2021, dated 13.04.2021. It is submitted that no specific allegation is alleged against petitioner no.2, Bablu Upadhyay which has also come in the impugned order.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners by submitting that there is specific allegation against petitioner no.1, Upmanyu Upadhyay. It is also submitted that the petitioners have also got one criminal antecedent.

Taking into consideration the fact that there is specific allegation against petitioner no.1, Upmanyu Upadhyay that he assaulted the informant by means of *farsa* on his head, I am not inclined to enlarge petitioner no.1, namely, Upmanyu Upadhyay



on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1, Upmanyu Upadhyay is rejected.

Having considered the fact that there is no specific allegation against petitioner no.2, namely, Bablu Upadhyay, let petitioner no.2, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikot P.S. Case No.266 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J.)

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