

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15919 of 2022**

Arising Out of PS. Case No.-123 Year-2020 Thana- NAGARNAUSA District- Nalanda

1. DAYANAND PRASAD Son of Ramji Prasad Resident of village - Mohiuddinpur, P.S.- Nagarnausa, District - Nalanda.
2. Babloo Kumar Son of Dayanand Prasad Resident of village - Mohiuddinpur, P.S.- Nagarnausa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 11-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

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

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 308, 379, 427, 504/34 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, the petitioners alongwith other co-accused persons assaulted the informant by means of several weapons.



When the brother of the informant came to rescue him then Parmanand Prasad assaulted the informant with lathi on the left hand. It is further alleged that golden chain of informant was snatched and karkat of the house of the informant was broken by pelting stone.

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 due to enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. There is an admitted land dispute between the parties. There is no specific overt act against the petitioners. The specific allegation is against the co-accused namely Parmanand Prasad. Petitioners have two criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a general and omnibus allegation against the petitioners, let the above named petitioners be released on bail,



in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Nagarnausa P.S. Case No.123 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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