

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35446 of 2021

Arising Out of PS. Case No.-470 Year-2020 Thana- PAHARPUR District- East Champaran

1. AMARDEO MAHTO @ AMARDEO PRASAD Son of Ramanand Prasad Resident of Village - Shareyan, P.S.- Paharpur, Distt.- East Champaran.
2. Krishna Kumar Son of Amardeo Prasad @ Amardeo Mahto Resident of Village - Shareyan, P.S.- Paharpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Adv.
For the Opposite Party/s	:	Mr.Ajay Kumar Singh, Adv. Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

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.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner nos.2, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.2 is dismissed as withdrawn.



Now, the present application is being heard on behalf of petitioner no.1 only.

The petitioner no.1 apprehends his arrest in a case in connection with Paharpur P.S. Case No.470 of 2020, registered for the offence punishable under Sections 341, 323, 324, 379, 307, 504, 506 of the Indian Penal Code.

The allegation against the petitioner is that he along with Krishna Kumar and others have abused the informant. Thereafter Krishna Kumar inflicted farsa blow on the head of the informant, due to which blood started oozing out. When informant's wife came for rescue, then all accused assaulted her with fists and slaps.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence as alleged has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific overt act of assault is levelled upon Krishna Kumar. Both sides are agnates and there is a civil dispute between the parties. He has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for



the informant opposed the prayer for bail by submitting that all the accused including the petitioner no.1 have assaulted the informant.

Having regard to the facts and circumstances of the case, since there is a general and omnibus allegation against the petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of his 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) 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 Paharpur P.S. Case No.470 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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