

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26922 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- JAMOBABAZAR District- Siwan

1. BRIJ KISHORE PANDEY @ BRAJ KISHORE PANDEY Son of Late Ramchandra Pandey Resident of Village - Jamo Bazar, Brahmsthan, P.s.- Jamo Bazar, Distt.- Siwan.
2. AMIT KUMAR @ AMIT KUMAR PANDEY Son of Brij Kishore Pandey Resident of Village - Jamo Bazar, Brahmsthan, P.s.- Jamo Bazar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 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.

Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1 as he has been apprehended by the police during pendency of this application.

Permission is granted.

Accordingly, the instant application as against petitioner



no.1 is dismissed as withdrawn.

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

The petitioner apprehends his arrest in a case registered for the offence punishable under section 341, 323, 324, 307, 448, 427, 379, 504/34 of the Indian Penal Code.

Allegedly, the petitioner along with other co-accused persons assaulted the informant's side by means of deadly weapons due to which they sustained injuries.

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, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. He further submits that the main allegation is against one Sumit Kumar to assault the informant's son by means of axe on head and the injury report has also supported this fact. The allegation against the petitioner is to assault on the shoulder of the son of the informant but as per the injury report, there is no injury on the shoulder. Petitioner has two criminal antecedent.

Learned APP for the State opposed the prayer for



anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2 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 Jamo Bazar P.S. Case No.168 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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