

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40219 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- BIHTA District- Patna

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1. VINOD KUMAR Son of Late Prameshwar Ray Resident of Village- Goraiya Dera, P.S.- Neora, District- Patna.
 2. Rishu Kumar Son of Rajeshwar Yadav Resident of Village- Goraiya Dera, P.S.- Neora, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-04-2022 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 as against petitioner no.1, 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the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 is dismissed as withdrawn.



Now, the present application is being heard for consideration of anticipatory bail as against petitioner no.2 only.

The petitioner no.2 apprehends his arrest in a case registered for the offence punishable under Sections 34, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other accused persons assaulted the informant by means of lathi and iron rod.

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 due to ulterior motive. 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. The specific allegation is against one Mithu Yadav. The injury report (at Annexure-2) shows the injuries as simple in nature. Petitioner has one criminal antecedent and the similarly situated co-accused, namely, Vijay Kumar @ Vijay Rai has been enlarged on bail by a co-ordinate Bench of this court vide order dated 27.09.2021 passed in Cr. Misc. No.38589 of 2021.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



since similarly situated co-accused has been granted anticipatory bail, 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 connection with Bihta P.S. Case No.336 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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