

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31302 of 2022

Arising Out of PS. Case No.-422 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. BANTI KUMAR @ KISHORE KUMAR Son of Late Sachidanand Kushwaha @ Sachidanand Sinha Resident of Village - Ram Nagar Polytechnic Purnea (Maranga) P.S. - K. Hat (Maranga), District - Purnea.
2. SONU SINGH @ SANDEEP KUMAR SINGH Son of Babban Kumar Resident of Village - Ram Nagar Polytechnic Purnea (Maranga) P.S. - K. Hat (Maranga), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail application with respect to
petitioner no. 1.

Permission is accorded.

The petitioner apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner no. 2 has antecedent of two cases and the informant
alleges that Banty Kumar does illegal business of liquor and



smack, further on 23.05.2021, one Sonu visited the house of Banty and after consuming liquor started abusing and when informant's nephew protested then accused persons attacked him causing injury on head by sharp-edged weapon and accused persons also assaulted his nephew.

Learned counsel for the petitioner submits that the allegation against the petitioner of assault is general and omnibus in nature, it is also submitted that allegation is of committing the occurrence in an inebriated condition but no offence under the Excise Act has been alleged. Learned counsel further submits that from perusal of the injury report of informant's nephew (Annexure -3 to the anticipatory bail application) it would manifest that the injuries are simple in nature caused by hard and blunt substance, as such allegation of assault by sharp-edged weapon gets belied by the injury report. It is next submitted that similarly situated co-accused Aditya and Chhotu were granted anticipatory bail by order dated 23.08.2022. in Cr. Misc. No. 31824 of 2022.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2, in the event of



their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khajanchi Hat (Maranga) P.S. Case No. 422 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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