

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33626 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- BENIPATTI District- Madhubani

1. SURESH PASWAN SON OF LATE JIBACHH PASWAN RESIDENT OF VILLAGE- ANDHARI, WARD No.3, P.S.- BENIPATTI, DISTRICT- MADHUBANI.
2. UDAY PASWAN SON OF SURESH PASWAN RESIDENT OF VILLAGE- ANDHARI, WARD No.3, P.S.- BENIPATTI, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mrs. Dr. Indivar Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2022 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.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1 namely, Suresh Paswan.

Permission is granted.

Accordingly, the instant application as against petitioner no.1 is dismissed as withdrawn.



However, petitioner no.1 is directed to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

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

The petitioner no.2 apprehend his arrest in a case registered for the offence punishable under section 143, 341, 323, 324, 325, 307, 379, 354(A), 504, 306 of the Indian Penal Code.

Allegedly, the accused persons including the petitioner were cutting tree of informant. On protest, the petitioner along with other accused persons assaulted the informant and her husband. It is further alleged that they took Rs.10,000/- cash from the pocket of the informant's husband.

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. There is no specific overt act against the petitioner. There is a case and counter-case between the parties.



Two injuries are simple in nature and injury of the informant is grievous in nature. Petitioner has no criminal antecedent, which is 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 no specific overt act against petitioner no.2 and both sides have sustained injuries, 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 Benipatti P.S. Case No.24 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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