

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35686 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

1. AJAY SRIVASTAWA Son of Late Murlidhar Srivastawa Resident of Village - Sarai Parauli, P.S.- Bhagwanpur Hat, District - Siwan.
2. Ashutosh Srivastawa Son of Ajay Srivastawa Resident of Village - Sarai Parauli, P.S.- Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove
the defects within four weeks.

At the very outset, learned counsel for the petitioners
seeks permission to withdraw this application with regard to
petitioner no.1, who has been arrested during pendency of this
application.

Permission is granted.

Accordingly, this application with regard to petitioner
no.1 is dismissed as withdrawn.

Now it is being heard on behalf of petitioner no.2 only.



Petitioner apprehends his arrest in a case registered for offence punishable u/s 25(1-b)a/26/35 of the Arms Act.

Allegedly, the petitioner is said to have threatened the complainant and his brother by showing pistol due to an altercation with regard to land partition.

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 land dispute. It is further stated that the petitioner and the informant are '*Pattidars*'. No such occurrence, in the manner as alleged, has ever taken place. There is no specific allegation against the petitioner to physically assault the informant or his brother. There is no any injury report on record. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no injury report on record, let the 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 Bhagwanpur Hat
P.S. Case No.86 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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