

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36475 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- CHIRAIYA District- East Champaran

NAND KISHOR PRASAD SON OF DHANRAJ PRASAD RESIDENT OF
AKAUNA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41172 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- CHIRAIYA District- East Champaran

1. PRAMOD SAHANI Son of Sheopujan Sahani Resident of Village - Akauna, P.s.- Chiraiya, Distt.- East Champaran.
2. Shiv Dayal Sahani Son Ganpati Sahani Resident of Village - Akauna, P.s.- Chiraiya, Distt.- East Champaran.
3. Sagar Sahani Son of Raja Sahani Resident of Village - Akauna, P.s.- Chiraiya, Distt.- East Champaran.
4. Bhawan Sahani Son of Kamal Sahni Resident of Village - Akauna, P.s.- Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36475 of 2022)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 41172 of 2022)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022

CRIMINAL MISCELLANEOUS No.36475 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.



The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that on account of dispute relating to drainage, the petitioner along with Baleshwar fired but informant saved himself, thereafter, Pramod assaulted him by an iron rod causing injury on head, further, his uncles were also assaulted.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that allegation against the petitioner is general and omnibus in nature, it is also submitted that allegation of firing is ornamental as no one was injured and specific allegation of assaulting the informant by an iron rod is against Pramod.

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 above-named, in the event of his 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) 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 Chiraiya P.S. Case No. 149 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 41172 of 2022

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehends their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

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

Permission is accorded.

It is next submitted that rest of the petitioners are persons with clean antecedent and the informant alleges that the accused persons along with the petitioners came and Nand Kishor and Baleshwar fired but informant managed to save himself, thereafter, Pramod assaulted his brother by iron rod



causing injury on head, further, his uncles were also assaulted.

Learned counsel submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegation against these petitioners are general and omnibus in nature i.e., no specific allegation of assault is alleged.

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 petitioners, the petitioner Nos. 2, 3 and 4, 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 Chiraiya P.S. Case No. 149 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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