

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37683 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- KATIHAR NAGAR District- Katihar

1. ANIL MANDAL @ ANIL KUMAR MANDAL SON OF VINOD MANDAL R/O VILLAGE- NAYA TOLA DEHARIYA, P.S.- KATIHAR TOWN, DISTT.- KATIHAR
2. SANJIT CHOUDHARY @ SANJIT KUMAR CHOUDHARY SON OF NUNU CHOUDHARY R/O VILLAGE- NAYA TOLA DEHARIYA, P.S.- KATIHAR TOWN, DISTT.- KATIHAR
3. BITTU KUMAR @ NITESH KUMAR @ BITTU CHOUDHARY SON OF NUNU CHOUDHARY R/O VILLAGE- NAYA TOLA DEHARIYA, P.S.- KATIHAR TOWN, DISTT.- KATIHAR
4. NUNU CHOUDHARY SON OF NATHU CHOUDHARY R/O VILLAGE- NAYA TOLA DEHARIYA, P.S.- KATIHAR TOWN, DISTT.- KATIHAR
5. KAILASH CHOUDHARY @ RAM KAILASH CHOUDHARY SON OF LATE SATYA NARAYAN CHOUDHARY R/O VILLAGE- NAYA TOLA DEHARIYA, P.S.- KATIHAR TOWN, DISTT.- KATIHAR
6. JAMUN CHOUDHARY @ YAMUN CHOUDHARY SON OF RAM SAGAR CHOUDHARY R/O VILLAGE- NAYA TOLA DEHARIYA, P.S.- KATIHAR TOWN, DISTT.- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

Learned counsel for the petitioners seek permission to
withdraw this application as against the petitioner no.4 as he has



been apprehended by the police during pendency of this application.

Permission is granted.

Accordingly, the instant application as against petitioner no.4 is dismissed as withdrawn.

Now, this application is being heard with regard to the rest of the petitioners.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 447, 341, 323, 307, 427, 379, 504, 506/34 of IPC.

Allegedly, the petitioners alongwith other accused persons assaulted the informant's side by means of rod, stick, bricks and other deadly weapons. The father of the informant became badly injured and he was taken to hospital.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is no specific allegation against the petitioners to assault the father of the informant, who sustained



grievous injury. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, let the petitioner nos.1, 2, 3, 5 and 6 named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) **each** 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 Katihar Town P.S Case No.333 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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