

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38142 of 2022**

Arising Out of PS. Case No.-199 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Shambhu Prasad @ Shambhu Mahato Son Of Pritam Mahato R/O Village-
Chitrouli, P.S.- Ghorasahan, District- East Champaran
 2. Rakesh Kumar @ Rakesh Prasad Son Of Rampukar Prasad R/O Village-
Chitrouli, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 15-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 447, 341,
323, 504, 379, 307, 324 and 34 of the Indian Penal Code.

Petitioners along with others co-accused are said to
have assaulted the informant and his family members.

Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. He submits that there is specific overt act against the petitioner no.1 who assaulted on the head of the informant by means of iron rod which caused grievous injuries. He submits that there is land dispute between the parties. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against petitioner no.2, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Ghorasahan (Jharokhar) P.S. Case No. 199 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, so far as petitioner no.1 is concerned, there is specific overt act against the petitioner no.1, I am not inclined to enlarge the petitioner no.1 on bail in connection with



Ghorasahan (Jharokhar) P.S. Case No. 199 of 2022.
Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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