

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40133 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Vimlesh Yadav Son Of Ganesh Yadav Resident Of Village- Shahari, Ps-Biraul, District- Darbhanga
 2. Neelam Devi Wife Of Vimlesh Yadav Resident Of Vilage - Shahari, P,S-Biraul, District- Dharbhanga

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State assisted by learned counsel for the informant.

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 323, 341, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

As per the F.I.R., it is alleged that petitioners along



with other co-accused persons are said to have assaulted the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is specific allegation against the petitioner no.1 who assaulted on the head of the informant by means of iron rod. 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 the petitioner no.2, let the petitioner no.2 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 Sadar P.S. Case No. 240/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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 anticipatory bail in connection with Sadar P.S. Case No.240/2020. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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