

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40364 of 2022

Arising Out of PS. Case No.-341 Year-2021 Thana- ISLAMPUR District- Nalanda

1. UPENDRA PRASAD @ UPENDRA YADAV S/O LATE SHIDHESHWAR PRASAD Resident of village- Goaplaganj, P.S.- Islampur, District- Nalanda.
2. CHOTU KUMAR S/O DEVENDRA PRASAD Resident of village- Gopalganj, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 15-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
504, 506, 379 and 308/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners have antecedent of two cases.

The informant alleges that he was intercepted by
motorcycle borne criminals. Guddu Kumar put pistol on the
head of the informant, Upendra Prasad @ Upendra Yadav
(petitioner no. 1) took out Rs.5,000/- from his pocket. On



protest, Guddu Kumar, Chotu Kumar (petitioner no. 2) and Upendra Prasad @ Upendra Yadav (petitioner no. 1) assaulted indiscriminately causing injury on his temporal region, face and the body and thereafter accused Gailu Kumar snatched gold chain and Amit Kumar took out documents from the motorcycle of the informant. It is further alleged that reason behind the occurrence is that informant used to protest selling of wine by Upendra Prasad @ Upendra Yadav (petitioner no. 1).

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that the allegation of assault is general and omnibus in nature. It is next submitted that from perusal of the FIR, it would manifest that the same is based on the written application of the informant and thus it is submitted that had the informant been assaulted in the manner as alleged then definitely he would have been taken to the hospital. It is also submitted that during playing of cricket match a dispute arose with the petitioner no. 2 and thereafter an altercation took place in which both sides assaulted each other.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or 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.10,000/- (Rupees Ten 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 Islampur P.S. Case No. 341 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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