

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49549 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- AANDAR District- Siwan

SANJAY UPADHYAY @ SANJAY KUMAR UPADHYAY Son of Shyam
Kamal Upadhyay Resident of Village- Hujahujipur, P.S.- Andar, District-
Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Satya Nand Shukla

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

3 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Andar P.S. Case No.102 of 2021, registered for the
offences punishable under Sections 341, 323, 447, 308, 504, 506
and 34 of the Indian Penal Code.

The petitioner is said to have assaulted the informant
by means of *lathi* on his head causing head injury. When the
mother and younger brother of the informant came to save him,
the petitioner and other co-accused persons also assaulted them
with *lathi*.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. It is further submitted that there is case and counter case between the parties and both sides sustained injuries. It is submitted that there is land dispute between the parties and both sides are agnates. It is lastly submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the facts that there is case and counter case and both sides sustained injuries, let petitioner, above named, 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 learned Additional Chief Judicial Magistrate-IV, Siwan in connection with Andar P.S. Case No.102 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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