

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53731 of 2021

Arising Out of PS. Case No.-386 Year-2021 Thana- BIHTA District- Patna

AKHILESH MISHRA S/o Late Sri Krishna Mishra R/o Village- Sahwajpur
Patel Halt Railway Station, P.O.- Vishunpura, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with Bihta P.S. Case No.386/2021, registered for the offence punishable under Sections 341, 323, 354(B), 307, 504, 506, 379/34 and 302 of the Indian Penal Code.

The allegation against the petitioner is that he along with other accused persons have abused and assaulted the informant's side.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to local village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties and both sides have sustained injuries. There is no specific allegation in the F.I.R. as to who had assaulted the deceased. From a perusal of the F.I.R. of Bihta P.S. Case No.386/21, it is apparent that the petitioner side also sustained injuries and were admitted in the hospital. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submitted that there is a serious nature of offence in which the petitioner has participated and one of the person has died due to the assault, as such, privilege of anticipatory bail may not be granted to the petitioner.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner named above on anticipatory bail. The prayer for anticipatory bail is rejected.

This application is accordingly dismissed.



However, petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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