

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52763 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- BARAULI District- Gopalganj

1. NITISH S/o Krishna R/o village- Mohanpur, P.S.- Barauli, District- Gopalganj
2. NIYAZ @ NEYAZ S/O MAINUDDIN @ MAINUDIN MIYAN R/o village- Mohanpur, P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, A.P.P.

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

2 12-05-2022 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 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 petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 342, 323, 427, 324, 307, 379, 504/34 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons have indiscriminately assaulted the informant, causing head injury.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case on the instance of their enemies. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that as per the injury report, the injuries are simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioner no.2 to have assaulted the informant by means of sword.

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner no.1, let the above named petitioner no.1 be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Barauli P.S. Case No.132 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Considering that there is specific allegation against the petitioner no.2, I am not inclined to enlarge him on anticipatory bail.

The prayer for grant of anticipatory bail to the petitioner no.2 is rejected.

However, petitioner no.2 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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