

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54153 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- NAUBATPUR District- Patna

ANISH KUMAR @ ANISH MAHTO S/o- Dev Nandan Prasad R/v-
Kurthoul, Braham Asthan, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 379 & 504 of the Indian Penal Code.

The allegation against the petitioner is that he
assaulted the informant on his head by means of garasa.

It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.



He has been falsely implicated in this case as counter attack in retaliation of case lodged by petitioner's side bearing Naubatpur P.S. Case No.16/2021. Both the parties are gotiyas and both sides have sustained injury. The injury is simple in nature. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of 10 days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, 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 Naubatpur P.S. Case No. 35 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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