

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53831 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- AKILPUR District- Saran

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1. VIKASH KUMAR S/O GOPAL RAI RESIDENT OF VILLAGE- NEW GOSHAIN TOLA, SULTANPUR, P.S. DANAPDUR, DISTRICT-PATNA
 2. BITTU KUMAR S/O HARINDRA RAI RESIDENT OF VILLAGE- NEW GOSHAIN TOLA, SULTANPUR, P.S. DANAPDUR, DISTRICT-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2022 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 147, 148, 149, 379, 302 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons have indiscriminately assaulted the informant's son by means of iron rod, due to which he died at



the spot.

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. 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. The specific allegation is against the co-accused Chunnu Kumar to have assaulted the informant's son by means of iron rod. There is no eye-witness to the alleged occurrence and only on suspicion, petitioners have been made accused in this case. As per the postmortem report (Annexure-2), only one injury was found i.e. A lacerated wound 4"x1/2" bone deep present over pericardial examine on left side whereas it was alleged in the F.I.R. that the accused persons repeatedly assaulted the deceased by means of iron rod. Petitioners have no criminal antecedent.

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

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioners, let the above named petitioners, be released on bail, in the event of their 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) 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 Akilpur P.S. Case No.6 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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