

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65763 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- CHANDI District- Nalanda

1. DHIRENDRA KUMAR SINGH @ DHIRENDRA SINGH son of Late Ram Parikshan Singh Resident of Village - Sirnawa, P.S. Bena, District - Nalanda.
2. BHUPENDRA SINGH Son of Late Ram Parikshan Singh Resident of Village - Sirnawa, P.S. Bena, District - Nalanda.
3. MUNNA KUMAR Son of Late Ram Parikshan Singh Resident of Village - Sirnawa, P.S. Bena, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-07-2022 This application has been dismissed as withdrawn with regard to petitioner no.1, vide order dated 18.05.2022.

Accordingly, today it is being heard for consideration of anticipatory bail on behalf of the petitioner nos.2 and 3.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioner nos.2 and 3 apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 447, 448, 427, 380, 504, 506 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, the FIR named accused persons including the



petitioners having lathi, danda, rifle, pistol and gun came at the door of the informant and broke the glass of Scorpio of his uncle by giving lathi blow. Thereafter, they indulged in abusing, entered into the campus and broke the Tanki and mudguard of the motorcycle. Thereafter on alarm, they fled away making firing. It is further alleged that these miscreants entered in the shop of the informant and threw Led T.V. and took out cash. When the husband of the Mukhiya came to pacify the matter, the accused persons threatened to kill him. Thereafter, the accused persons fled away making firing. This incident created fear in the village.

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 Dhirendra Singh and Sachin @ Vikky. The parties are agnates and there is a prior enmity between them. It is submitted that none has sustained any injury in the alleged occurrence. Petitioner no.2 has two criminal antecedent and petitioner no.3 has one 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 general and omnibus allegation against the petitioner nos.2 and 3, let them, 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) 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 Chandi (Bena) P.S. Case No.38/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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