

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56458 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- BIBHUTIPUR District- Samastipur

SHAMBHU PRASAD Son of Late Domi Mahto Resident of Village-
Basauna, P.S.-Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar, Adv

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 341, 323, 379, 307, 354(A), 325 of the Indian Penal Code.

Allegedly, the petitioner including all accused persons assaulted the informant's side by means of several weapons due to which they sustained injuries.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. There is an admitted land dispute between the parties.



He further submits that the police has given the benefit of section 41(i) of Cr.P.C to the petitioner thereafter I.O has submitted charge sheet against the petitioner and learned court below took cognizance against the petitioner. Petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, as there is a land dispute and case as well as counter-case between the parties, 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 Bibhutipur P.S. Case No.85 of 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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