

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72021 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- KHAJEKALA District- Patna

1. SHIV DUTT PRASAD @ SHIVDUTT PRASAD ARYA SON OF MAHVIR PRASAD ARYA RESIDENT OF - BEHIND KRISHNA TAKIES , P.S- KHAJIKALA, DIST- PATNA
2. SHURAV KUMAR SON OF SHIV DUTT PRASAD RESIDENT OF - BEHIND KRISHNA TAKIES , P.S- KHAJIKALA, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Raj, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 326 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 1 is a senior citizen, it is next submitted that since the son of the informant used to tease the sister of petitioner no.2 as such the present occurrence took place in which it is alleged that petitioner no.1 assaulted informant's son Ajay with knife and



petitioner no.2 assaulted the informant with knife in stomach.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the F.I.R. does not disclose as to why the occurrence took place but it has been specifically pleaded at paragraph '7' of the anticipatory bail application that since son of the informant used to tease sister of petitioner no. 2 as such the present occurrence took place. Learned counsel next submits that petitioner no.1 has been falsely implicated in the present case and also the injury caused by petitioner no.1 is simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is a direct allegation of assault made by petitioners and the opinion with regard to injury of the informant has been reserved as such it cannot be said that injury suffered by the informant is simple in nature.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand)



each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khajikala P.S. Case No. 198 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

At this stage, the learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with regard to petitioner no.2.

Permission is accorded.

Accordingly, the present anticipatory bail application with regard to petitioner no.2 is dismissed as withdrawn.

(Satyavrat Verma, J)

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