

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1716 of 2022**

Arising Out of PS. Case No.-236 Year-2021 Thana- MAHESI District- East Champaran

1. NITESH KUMAR
 2. Dinesh Kumar @ Pankaj Kumar, both S/o Babulal Sah, R/o village - Bishambhar Pur, P.S.- Mehshi, District - East Champaran
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 27-07-2022 Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1 as he was arrested during the pendency of the same.

Permission is accorded.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 447, 448, 341, 323, 307, 324, 354(B), 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioner no. 2 submits that



petitioner no. 2 has antecedent of one case.

The allegation against the petitioner no. 2 is that he assaulted the husband of the informant by farsa on his head as a result of which he sustained injury.

Learned counsel for the petitioner no. 2 submits that initially when the injured was examined by the Doctor, the injury was found grievous but a Medical Board was constituted which has given its finding that the injury though by sharp substance but is simple in nature, as is evident from Annexure-5 to the supplementary affidavit which has been filed in the Court today. He further submits that initially in order to falsely implicate the petitioner no. 2, it appears that the Doctor had prepared a false report but when the same was objected, the truth came out.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees 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 Mahesi (J.B.C. O.P.) P.S. Case No. 236 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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