

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3814 of 2023

Arising Out of PS. Case No.-265 Year-2021 Thana- ATRI District- Gaya

1. BHOLA SINGH Son of Sidho Singh R/v- Malti, P.S.- Atri, District- Gaya
2. NITISH KUMAR @ NITISH SINGH Son of Babloo Singh R/v- Malti, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-02-2023 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, 379, 504, 506/34 of the Indian Penal Code.

Allegedly, petitioners are said to have assaulted the informant with lathi and danda. Petitioner no.2 also snatched the golden locket from the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both the parties are agnates. There is admitted land dispute between the parties. Petitioner no.1 is a handicapped person and a old man and



he cannot move without stick. Petitioner no. 1 has three criminal antecedents whereas petitioner no.2 has five criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the age of the petitioner no.1, let the petitioner no.1, 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 lower Court where the case is pending/successor Court in connection with Atri P.S. Case No.265 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As petitioner no.2 has five criminal antecedents, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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