

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3599 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- KESARIA District- East Champaran

1. AJIT SINGH @ GUDDU SINGH @ AJIT KUMAR SINGH Son of Vijay Shankar Singh R/v- Siswa Patna, P.S.- Kesariya, District- East Champaran
2. PANKAJ SINGH @ PANKAJ KUMAR Son of Uday Shankar Singh R/v- Siswa Patna, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioner seeks not to press the present writ petition qua the petitioner no. 2, hence the present petition qua the petitioner no. 2 stands dismissed as not pressed.

The petitioner no.1 apprehends his arrest in connection with Kesariya P.S. Case No. 297 of 2022 registered for the offences punishable under Sections 341, 323, 458, 380, 448, 504, 506, 307, 34 of the Indian Penal Code.

The case of the prosecution, in brief, is that



on account of certain personal dispute in between the parties, while the informant was returning back to his house, after having closed his jewellery shop on the alleged date and time of occurrence, the accused persons including the petitioners waylaid him and had then entered his house, whereafter the accused persons had tried to press the neck of the informant and had also tried to outrage the modesty of the wife of the informant. It is also alleged that the petitioner no. 2, along with the co-accused person namely, Anubhav Kumar had taken away a sum of Rs. 1,50,000/- from the house of the informant.

The learned counsel for the petitioners has submitted that the petitioner no. 1 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioner no. 1 is concerned, a general and omnibus allegation has been levelled and in fact the injuries found on the person of the informant are simple in nature. It is also submitted



that the petitioner no. 1 has not been alleged to have looted any sum of money from the house of the informant.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner no. 1 is not alleged to have engaged in any sort of specific overtact and moreover, the injuries found on the person of the informant are simple in nature as also the petitioner no. 1 is not alleged to have looted any cash amount, I deem it fit and proper to admit the petitioner no.1 herein to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the



court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesariya P.S. Case No. 297 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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