

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6553 of 2022

Arising Out of PS. Case No.-761 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. ARJUN KUMAR S/o Raman Rai R/o Village- Mirnagar, P.S.- Hajipur Sadar, District- Vaishali, Bihar.
2. Shiv Kumar S/o Raman Rai R/o Village- Mirnagar, P.S.- Hajipur Sadar, District- Vaishali, Bihar.
3. Anand Kumar S/o Raman Rai R/o Village- Mirnagar, P.S.- Hajipur Sadar, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Prakash Chandra, Adv.
For the State	:	Mr. Madan Kumar, APP
For the Informant	:	Mr. Kamlesh Kumar, Adv.
		Mr. Kah Kashan Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

10 02-02-2023 Heard learned counsel for the petitioner nos. 1 and 2, learned A.P.P. for the State and learned counsel for the informant.

The petitioners apprehend arrest in connection with Hajipur Sadar P.S. Case No. 761 of 2021 registered under Section 307 and other allied sections of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Further submission is that there is no specific allegation against the petitioner no. 2. Petitioners have got no criminal antecedent.



Learned A.P.P. appearing on behalf of the State and learned counsel for the informant opposed the prayer of petitioner no. 1, namely, Arjun Kumar by contending that there is direct allegation against him of assaulting the informant by putting the *gamcha* into the neck of the informant and due to which informant fell down and became unconscious. Hence, he does not deserve the privilege of anticipatory bail.

Having considered the facts and circumstances of the case, let the petitioner no. 2, namely, Shiv Kumar be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 761 of 2021, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

So far as, petitioner no. 1 is concerned, considering that there is direct allegation of assault against him, this Court is not inclined to grant the privilege of anticipatory bail. Accordingly, his prayer for bail is rejected.

(Arvind Srivastava, J)

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