

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10516 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- BANMANKHI District- Purnia

1. SUBODH KUMAR S/o Ramakant Suthihar R/o village- Mohaniya Bazar, P.S.- Banmankhi, Distt- Purnea.
2. Chhoti Kumar @ Rajbir Yadav @ Rajbir @ Chhoti Son of --Suresh Pd. Yadav. R/o village- Mohaniya Bazar, P.S.- Banmankhi, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 324, 379, 307, 34 of the IPC.

As per the prosecution case, the F.I.R. named accused persons including the petitioners attacked upon the son of the informant. It is alleged that petitioner no.1 pushed him on the ground and petitioner no.2 gave dagger blow on his head.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior



motive. No such occurrence, in the manner as alleged, has ever taken place. There is general and omnibus allegation against the petitioners. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.2 to have given dagger blow on the head of the son of the informant, who sustained two injuries, out of which, one injury was found to be grievous in nature.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner no.1, let the above named 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 court below where the case is pending/Successor Court in connection with Banmankhi P.S. Case No.61 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, since there is specific allegation against the petitioner no.2 of assaulting the victim by dagger, whose injury was also found grievous in nature, I am not inclined to enlarge



him on bail. The prayer for grant of anticipatory bail on behalf of the petitioner no.2 is rejected.

This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

