

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7943 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- BIRAUL District- Darbhanga

SHIBAM ACHARYA @ SHIBAM KUMAR @ SHIVAM KUMAR Son of
Bal Krishna Acharya R/V and P.O Akbarpur Baik, P.S- Biraul, Dist-
Darbhanga Bihar 847203

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Acharya, Adv.

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-05-2023 Heard Mr. Jitendra Acharya, learned counsel for the

petitioner and Dr. Mrityunjaya Kr. Gautam, learned Additional

Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Biraul PS Case No. 288/2022 dated 19.08.2022 registered for

the offence punishable under Sections 143, 341, 323, 506, 307,

379 of the IPC and Section 27 of the Arms Act.

3. As per prosecution story, five named accused

persons and four unknown persons surrounded the informant,

assaulted him with iron rod, *lathi*, *danda* etc., and co-accused

Krishna Choudhary fired upon him and the accused persons

snatched purse and mobile from the informant.

4. Learned counsel for the petitioner submits that no



specific overt act has been alleged against the petitioner and only the general and omnibus allegation has been levelled against him whereas the specific allegation of assault is upon one, Prince Nayak by means of iron rod on the head of the informant and upon co-accused Krishna Chaudhary who has, allegedly, opened fire upon the informant. There was previous dispute between the parties and the co-accused, Prince Nayak has been granted bail anticipatory bail by the learned Sessions Judge itself by ABP No. 2020/2022 (Annexure-3). Referring to Annexure-4 which is a bail order of the co-accused, Krishna Choudhary, learned counsel submits that as recorded in the order of the learned Additional Sessions Judge-1, Benipur, Darbhanga, all the injuries caused to the informant have been found to be simple in nature.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that no specific overt act has been alleged against the petitioner, allegation levelled against him is general and omnibus in nature and the petitioner has got clean antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be



released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul (Benipur), Darbhanga in connection with Biraul PS Case No. 288/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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