

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18753 of 2023

Arising Out of PS. Case No.-4 Year-2020 Thana- TARARI District- Bhojpur

1. AKHASH KUMAR @ AKASH SINGH @ DHANU KUMAR S/o Yashawant Singh R/o Village- Varshi, P.S.- Tarari, Distt- Bhojpur at Ara.
2. Umesh Singh @ Umesh Kumar S/o Nemi Singh R/o Village- Varshi, P.S.- Tarari, Distt- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered
for offence punishable u/s
341/323/307/337/338/354(A)/354(B)/504/34 & 302 of IPC.

3. As per the prosecution case, all the F.I.R. named
accused persons including the petitioners brutally assaulted the
father-in-law of the informant and when her husband went to his
rescue, he was also assaulted by them. It is alleged that
petitioner no.1 abused and outraged the modesty of the
informant. Father-in-law of the informant succumbed to his
injuries and died in the hospital.



4. 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. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation is against the co-accused namely Munna Singh, Dashai Singh and Pappu Singh. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation also against the petitioner no.2 to assault the father-in-law of the informant, who died in course of treatment.

6. Having regard to the facts and circumstances of the case, since there is specific allegation against the petitioner no.2 to assault the father-in-law of the informant, I am not inclined to enlarge him on anticipatory bail. The prayer for bail to the petitioner no.2 is rejected.

7. However, since there is no specific allegation 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 Tarari P.S. Case No.4 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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