

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16322 of 2023

Arising Out of PS. Case No.-397 Year-2022 Thana- BARAULI District- Gopalganj

1. NITISH KUMAR S/O CHANDRADEV SINGH R/v- Bagheji, P.S.- Barauli, District- Gopalganj
2. CHANDRADEV SINGH S/O LATE JIUT SINGH R/v- Bagheji, P.S.- Barauli, District- Gopalganj
3. RAJESH SINGH @ RAJESH KUMAR SINGH S/O LATE JANKI SINGH R/v- Bagheji, P.S.- Barauli, District- Gopalganj
4. RAMASHRAY SINGH S/O NAGINA SINGH R/v- Bagheji, P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Javed Aslam, Advocate
For the Informant	:	Mr. Indrajeet Bhushan, Advocate
For the State	:	Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-06-2023 Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 & 506/34 of the Indian Penal Code.

The petitioners in association of other co-accused are said to have severely assaulted the informant and his family members.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case due to previous enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the present case is a counter blast of Barauli P.S. Case No.398 of 2022 filed by petitioner no.2 against the present informant and his brothers and other family members. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

On the other hand, learned APP assisted by learned counsel for the informant vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case as well as the fact that allegation against petitioner nos.2, 3 and 4 are general and omnibus in nature, let the above named petitioner nos.2, 3 and 4, be released on bail, in the event of their 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) each 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 Barauli P.S. Case No. 397 of 2022, subject to the condition as laid down under Section 438 (2) of the



Cr.P.C.

Considering the facts and circumstances of case as also the fact that petitioner no.1 attacked on the informant by means of spade due to which his head got exploded, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

However, if the petitioner no.1 to surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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