

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17547 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Gyan Raj Son of Anil Ram Resident of Village- Lane Before CMS School,
Adampur, Ps- Jogsar, District- Bhagalpur
 2. Manav Raj Son of Anil Ram Resident of Village- Lane Before CMS School,
Adampur, Ps- Jogsar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh,Adv.

For the Opposite Party/s : Mr.Choubey Jawahar,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kotwali (Jogsar) P.S. Case No.203 of 2022, registered for the offences punishable under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code.

The allegation is regarding the son of the informant having been badly assaulted by the accused persons including the petitioners herein, on the alleged date and time of occurrence. It is also alleged that the said incident had taken place on account of previous dispute relating to pathway.

The learned counsel for the petitioners



submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that though the petitioners are accused in one another case, however they are on bail in the said case. The learned counsel for the petitioners has also submitted that a general and omnibus allegation has been levelled against all the accused persons including the petitioners herein and the petitioners have not specifically been alleged to have engaged in any sort of overtact qua the son of the informant. It is also submitted that the injuries sustained by the son of the informant are not on vital parts. Lastly, it is submitted that the present case arises out of case and counter case, the counter case having been filed by the father of the petitioners, in which also the petitioners and their family members have sustained injuries.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioners, taking into account the materials available on record as also considering the fact that the petitioners have not been alleged to have engaged in any sort of overtact qua the son of the informant or for that matter qua any other person, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No.203 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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