

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32783 of 2023

Arising Out of PS. Case No.-1100 Year-2022 Thana- ARA NAWADA District- Bhojpur

1. AJAY UPADHYAYA SON OF SHOM NATH UPADHYAYA Resident of Nawada Ara, P.S.-Nawada Ara, District-Bhojpur
2. AMAN UPADHYAYA @ KIRTAN UPADHYAYA @ KIRTAN KUMAR SON OF AJAY UPADHYAYA Resident of Nawada Ara, P.S.- Nawada Ara, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Kishore Prasad, Advocate
For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 307, 379 and 34 of the Indian Penal Code.

3. The informant alleges that on 16.12.2022, Aman came and took him to his house for a party, where he saw 2-3 accused drinking from before and when he was asked to drink he refused, when he was pressurized to drink when in the meantime the father of Aman came and said to assault him alleging that he is not returning the money, thereafter Aman assaulted by an iron rod causing injury on head and Ajay



assaulted him by knife repeatedly thereafter Aman along with his friend brought him to his house and fled leaving him.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR the same does not inspire confidence for the reason that if what has been alleged in the FIR is true then it absolutely does not stand to reason that the accused persons including the petitioners would have brought the informant to his house and have fled leaving him at the door, it is next submitted that on account of dispute relating to money the present false case came to be instituted. It is next submitted that there is no injury though it is alleged that petitioners assaulted him by knife repeatedly causing injury but then from perusal of the injury report (Annexure 2) it would manifest that no injury is alleged to have been caused by knife rather the injury is simple caused by hard and blunt substance.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ara Nawada P.S. Case No. 1100 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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