

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31583 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- SABAUR District- Bhagalpur

ANIL HARIJAN S/o Suresh Harijan Resident of Village- Sultanpur Bhatti,
P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 02-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 147, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, the petitioner and other co-accused persons armed with lathi, khanti, danda, musket and desi pistol came to the land of informant and started constructing a hut forcibly on the said land. On being objected,



the accused persons assaulted the informant, his brother and his daughter with intent to kill as a result they sustained injuries on their respective part of the bodies. The petitioner also assaulted on the left hand of the informant with intent to kill by means of butt of the musket causing fracture injury. The accused persons also snatched Rs. 5500/- and a mobile phone from the possession of the informant. It is further alleged that prior to the said occurrence the accused persons also committed occurrence with the informant for which a criminal case vide G.R. No. 1771/2006 was lodged and the accused persons were convicted. The accused persons also threatened the informant of dire consequences. Thereafter, the injured Nirmal Kumar Sharma was brought to Mayaganj Hospital for treatment.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The allegation against the petitioner is of assaulting with a butt of the musket on the left hand of the informant which is non vital part of the body. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that one of the injured Nirmal Sharma sustained grievous injury.



Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Chief Judicial Magistrate, Bhagalpur in connection with Sabaur P.S. Case No. 214 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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