

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33247 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- BANIAPUR District- Saran

1. NAGENDRA KUMAR Son of Rajendra Mahato Resident of village - Kanhauli Manohar Tole Karta Ram, Police Station - Baniapur, District - Saran (Chapra).
2. Guddu Kumar Son of Ashok Prasad Resident of village - Kanhauli Manohar Tole Karta Ram, Police Station - Baniapur, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 447, 448, 323, 324, 307, 380, 325, 506, 504, 354(B)/34 of the IPC.

3. As per the prosecution case, petitioner no.1 is said to have given axe (tangi) blow on the hand of the informant and petitioner no.2 is said to have assaulted with Dab on the head of the informant.

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. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that one of the injury sustained by the informant is grievous in nature and there is specific allegation against the petitioner no.2 to have assaulted the informant on his head by means of Dab.

6. Having regard to the facts and circumstances of the case, since one of the injury was found grievous in nature, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

7. However, since the other injury is simple in nature and the allegation against the petitioner no.1 is to assault on the hand of the informant, 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 Baniapur



P.S. Case No.271 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

