

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39652 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- SAHJAHANPUR District- Patna

1. KESHO BIHARI NIRMAL Son of Late Ramcherita RaY @ LATE RAMCHARITA BIHARI NIRMAL Resident of Village - Singriawan, P.S.- Sahjahanpur, District - Patna
2. Bitawali Yadav @ Pintu Kumar Son of Shivdut Yadav @ Shivdut Prasad Resident of Village - Singriawan, P.S.- Sahjahanpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45531 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- SAHJAHANPUR District- Patna

BIPIN BIHARI NIRMAL @ VIPIN BIHARI NIRMAL Son of Bankey Bihari Nirmal Resident of village - Singariyawan, P.S. - Shahjahanpur, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39652 of 2023)

For the Petitioner/s : Mr. Shambhu Narayan Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 45531 of 2023)

For the Petitioner/s : Mr. Shambhu Narayan Singh

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard the parties.



3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307 and other allied Sections of the Indian Penal Code and Section 27 of Arms Act.

4. Allegedly, the petitioners and other co-accused persons assaulted the informant's son and nephew, with an intention of killing them.

5. 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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. It is further submitted that earlier the daughter-in-law of the petitioner no.1 of Cr. Misc. No.39652 of 2023, namely, Kesho Bihari Nirmal had filed a case against the informant and others under Sections 341, 356, 354, 380 and 506 of the Indian Penal Code on 05.10.2022, thereafter, in order to pressurize the petitioners to withdraw the said case, the informant has filed the present case against the petitioners and others. He further submits that the injuries are of simple nature. Petitioner namely, Bipin Bihari Nirmal @ Vipin Bihari Nirmal in Cr. Misc. No.45531 of 2023 has three criminal antecedents,



whereas the rest of the petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case as the injuries are of simple nature, let the above named petitioners, 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 Sahjahanpur P.S. Case No.33 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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