

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39130 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- GARKHA District- Saran

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1. NAVIN SINGH SON OF LATE TRIGUN SINGH RESIDENT OF VILLAGE MAIKI, PS- GARKHA, DISTRICT- SARAN
 2. BIPIN KUMAR SINGH @ BIPIN SINGH SON OF LATE TRIGUN SINGH RESIDENT OF VILLAGE MAIKI, PS- GARKHA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard the parties.

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

3. The allegation against the petitioner no.1 is that he assaulted the informant by means of several weapons due to which she sustained injury. It is also alleged that petitioner no.2 snatched a golden chain from neck 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. 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 a case and counter-case between the parties. There is an admitted land dispute between the parties. Petitioners have one criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 namely, to assault the informant due to which she sustained grievous injury.

6. Having regard to the facts and circumstances of the case as the nature of injury attribute towards the petitioner no.1 is grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, the petitioner is at liberty to surrender before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

8. Further, as there is no specific overt act against the petitioner no.2, let the above named petitioner no.2 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 Garkha P.S. Case No.300 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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