

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42373 of 2022

Arising Out of PS. Case No.-105 Year-2018 Thana- BITHAN BAZAR District- Samastipur

1. SAKOOR BAKHO @ SAKUR BAKHO @ SAKUL BAKHO Son of Md. Islam @ Mohamad Islam Resident of Village - Larjha, P.s.- Bithan, Distt.- Samastipur.
2. MITHUN BAKHO Son of Sakoor Bakho @ Sakur Bakho @ Sakul Bakho Resident of Village - Larjha, P.s.- Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-02-2023 Learned counsel for the petitioners 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 petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution case, when the son of the informant was sitting at his door, the petitioners and the other



co-accused persons came there. On the exhortation of co-accused persons namely Rajesh, Rakesh, Sanjeev and Nand Kishore, the co-accused Gulab Bakho assaulted with *danda* which hit the belly of the son of the informant and the co-accused Munia Khatoon also assaulted with piece of stone (*lohra*) on his hydrocele. The son of the informant died during the course of treatment.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. The main allegation against the co-accused persons namely Munia Khatoon and Gulab Bakho. There is no specific overt act against the petitioners in the crime alleged. The petitioners have got clean antecedent as stated in para 3 of the supplementary affidavit filed on behalf of the petitioners.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation is general and omnibus, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today,



be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Rosera, Samastipur in connection with Bithan P.S. Case No. 105 of 2018, subject to the condition 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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