

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56852 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- KUTUMBA District- Aurangabad

1. PANKAJ KUMAR @ PANKAJ KUMAR YADAV @ PAWAN YADAV SON OF DURGESH YADAV RESIDENT OF VILLAGE- AMARPUR, PS- KUTUMBA, DIST- AURANGABAD, BIHAR
2. KUNDAN KUMAR SON OF DURGESH YADAV RESIDENT OF VILLAGE- AMARPUR, PS- KUTUMBA, DIST- AURANGABAD, BIHAR
3. DINESH YADAV SON OF GOPAL YADAV RESIDENT OF VILLAGE- AMARPUR, PS- KUTUMBA, DIST- AURANGABAD, BIHAR
4. ANIL KUMAR @ ANIL YADAV SON OF DINESH YADAV RESIDENT OF VILLAGE- AMARPUR, PS- KUTUMBA, DIST- AURANGABAD, BIHAR
5. NITISH KUMAR @ CHHOTA BABU SON OF AJAY YADAV RESIDENT OF VILLAGE- AMARPUR, PS- KUTUMBA, DIST- AURANGABAD, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal Mrs. Leelawati Kumari
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare
For the Informant	:	Mr. Lal Bahadur Singh Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-12-2023 Heard the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.1, as he has been arrested by the police during the pendency of the bail application.

3. Permission is granted.



4. Accordingly, this application as against the petitioner no.1 is dismissed as withdrawn.

5. Now, this application is being heard with regard to the petitioner nos.2 to 5 only.

6. Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 504, 506, 307, 379, 34 of the Indian Penal Code.

7. As per the FIR, the allegation against the petitioners is that the petitioners assaulted the uncle of the informant by means of several deadly weapons due to which they sustained injuries.

8. 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. There is no specific allegation against any of the petitioners to assault the uncle of the informant. Petitioners have no criminal antecedent.

9. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.



10. Having regard to the facts and circumstances of the case as well as considering that there is general and omnibus allegation against the petitioners, let the above named petitioner nos.2 to 5, 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 Kutumba P.S. Case No.128 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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