

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63054 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- BAISI District- Purnia

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1. Dilkash S/O Gaffar R/O Village- Janta Hat, Ps. Baisi, Dist. Purnea
 2. Haider @ Md Haidar @ Md. Haider Alam S/O Gaffar R/O Village- Janta Hat, Ps. Baisi, Dist. Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. Learned counsel for the petitioners is directed to correct the typed copy of the annexure-2.

3. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

4. Allegation against petitioner no.1 is of assaulting the informant by means of *khanti* causing head injury and allegation against petitioner no. 2 is of assaulting the informant by means of sword causing ear and head injury.

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. Learned counsel fairly submitted that injury Nos. 2 and 3 are grievous in nature caused by petitioner no. 1 and injury No. 1 is simple in nature. Petitioner have no criminal antecedent.

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

7. Having regard to the facts and circumstances of the case, since the injury was found simple in nature, 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 Baisi P.S. Case No.178/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, there is specific allegation against petitioner no.1 is of assaulting the informant by means of khanti causing him grievous injury. I am not inclined to enlarge him on anticipatory bail. Hereby, the petition for bail of petitioner no. 1.

9. Accordingly, the application is partly allowed.



10. Learned court below is directed to accept the bail bond of the petitioner after verifying the criminal antecedent, as para 3 of this application it is stated that petitioners have no criminal antecedent.

(Anjani Kumar Sharan, J)

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