

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60633 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. Shashikant Kumar S/O Jagdish Rai R/O Village- Musapur, P.S- Sarairanjan (GHATHO O.P.), Distt.- Samastipur.
2. Manikant Kumar S/O Jagdish Rai R/O Village- Musapur, P.S- Sarairanjan (GHATHO O.P.), Distt.- Samastipur.
3. Sheel Kumar Rai S/O Jagbali Rai R/O Village- Musapur, P.S- Sarairanjan (GHATHO O.P.), Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no. 2 submitting that during pendency of this application petitioner no. 2 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to petitioner no. 2 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to petitioners no. 1 and 3.



6. Heard learned counsel for the petitioners and learned A.P.P. for the State.

7. The petitioners apprehend their arrest in Sarairanjan P.S. Case No. 325 of 2022 registered for the offences punishable under Sections 341, 342, 323, 324, 325, 379, 447, 147, 149, 307 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Samastipur.

8. Informant alleged that petitioners no. 1 and 2 have assaulted Vikash Kumar by means of khanti over his head and petitioner no. 3 fired upon informant which hit on his right leg causing firearm injury to him.

9. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that from perusal of F.I.R. it transpires that allegation levelled against the petitioners are in scripted manner as informant made allegation against the petitioner in separate manner. The petitioner no. 1 has two criminal antecedents and petitioner no. 3 has one criminal antecedent as mentioned in para-3 of the bail application.

10. Learned APP for the State opposes the prayer



for anticipatory bail and submits that specific overt act has been attributed against the petitioners. Hence, they do not deserve privilege of anticipatory bail.

11. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners no. 1 and 3 on anticipatory bail. The prayer for anticipatory bail of the petitioners no. 1 and 3 is hereby rejected.

(Anjani Kumar Sharan, J)

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