

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62049 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- MUFFASIL District- Aurangabad

INDAL SAW Son of Late Dasrath Saw Residence of village - Govind Chak,
P.S.- Muffasil, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65728 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- MUFFASIL District- Aurangabad

RAKESH KUMAR S/O Indal Saw R/O Village- Govind Chak, P.S- Muffasil,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62049 of 2022)

For the Petitioner/s : Mrs. Mukul Kumari, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 65728 of 2022)

For the Petitioner/s : Mrs. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with
Muffasil P.S. Case No. 219 of 2022, G.R. No. 1405/2022
registered under Sections 147, 149, 341, 323, 324, 325, 307,
385, 379, 504 and 506 of the Indian Penal Code.



Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case due to previous enmity. Further submission is that there is general and omnibus allegation against the petitioners. There is no specific allegation against the petitioner Indal Saw. The petitioners have got no criminal antecedent.

Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner Rakesh Kumar by contending that there is direct allegation of assault on the informant's head by means of sword due to which informant sustained head injury. The injury report also corroborates the same. Hence, he does not deserve the privilege of anticipatory bail.

Having considered the facts and circumstances of the case, let the petitioner Indal Saw of Cr. Misc. No. 62049 of 2022 be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 219 of 2022, G.R. No. 1405/2022, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

So far as petitioner Rakesh Kumar is concerned,



considering therein that there is direct allegation against him of assaulting the informant’s head by means of sword, this Court is not inclined to grant anticipatory bail to the petitioner Rakesh Kumar of Cr. Misc. No. 65728 of 2022. Accordingly, his prayer for anticipatory bail is rejected.

(Arvind Srivastava, J)

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