

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61340 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- PATORI District- Samastipur

1. DAMODAR RAI S/O Late Jai Lal Rai R/O Village- Tara Dhamaun, P.S- Patory, District- Samastipur
2. Sanjeev Kumar @ Sanjeev Kumar Rai S/O Kamal Rai R/O Village- Tara Dhamaun, P.S- Patory, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mrs. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-02-2023 Heard the parties.

After some arguments, learned counsel for the petitioners seek permission to withdraw this application as against petitioner no.2.

Permission is granted.

Accordingly, the instant application as against petitioner no.2 is dismissed as withdrawn.

However, if petitioner no.2 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass the order, preferably, on the same day, in accordance with law.

Now, this application is being heard with regard to



petitioner no.1 only.

The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

The allegation against the petitioner is that he alongwith other co-accused persons abused the informant and on objection, Damodar Rai ordered to kill, then Sanjeev Kumar assaulted him by means of sword on his head due to which he got injured.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that the specific allegation is against Sanjeev Kumar to assault the informant. There is no specific overt act against the petitioner. Petitioner has one criminal antecedent.

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

Having regard to the facts and circumstances of the case, let the above named petitioner no.1, be released on bail, in the



event of his/her 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 Patory P.S. Case No.278 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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