

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66699 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- TISIAUTA District- Vaishali

1. AWDHESH SAH @ AWADHESH SAH SON OF BALMIKI SAH
RESIDENT OF VILLAGE- POORMI SHAH MOHAMMADPUR, PS-
TISIAUTA, DIST- VAISHALI
2. LALITA DEVI WIFE OF AWDHESH SAH RESIDENT OF VILLAGE-
POORMI SHAH MOHAMMADPUR, PS- TISIAUTA, DIST- VAISHALI
3. ROHIT KUMAR SON OF AWDHESH SAH RESIDENT OF VILLAGE-
POORMI SHAH MOHAMMADPUR, PS- TISIAUTA, DIST- VAISHALI
4. RAHUL KUMAR SON OF AWDHESH SAH RESIDENT OF VILLAGE-
POORMI SHAH MOHAMMADPUR, PS- TISIAUTA, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-10-2023 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 147, 149, 323, 324, 307, 380, 504,
34 of the IPC.

3. At the outset, learned counsel for the petitioners seeks
permission to withdraw this application only with regard to
petitioner no.1.

4. Permission is granted.

5. However, petitioner no.1 is at liberty to surrender before



the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

6. Now, this application is being heard for consideration of anticipatory bail of petitioner nos.2 to 4.

7. As per the prosecution case, petitioner no.3 assaulted Mukesh Kumar with handle of hand pump, petitioner no.4 assaulted Mukesh Kumar with sword. Other accused persons assaulted the family members of the informant.

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 due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Injury of the injured was found simple in nature, which is clear from Annexure-3 series to the bail petition. There is case and counter-case between the parties. It is further submitted that there is delay of 14 days in filing the complaint case, which itself creates doubt about the prosecution case. Petitioners have no criminal antecedent.

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

10. Having regard to the facts and circumstances of the case,



considering the nature of injury and the delay in lodging the complaint case, let the above named petitioner nos.2 to 4, 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 Tisiauta P.S. Case No.166 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

