

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65939 of 2022

Arising Out of PS. Case No.-49 Year-2020 Thana- CHHABILAPUR District- Nalanda

SHIV KUMAR YADAV Son of Late Dayali Yadav R/O Village - Kesari
Bigha, P.S. - Chhabilapur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2023 Heard the parties.

The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and section 27 of Arms Act.

The allegation against the petitioner is that he along with other co-accused persons assaulted the father of the informant due to which he sustained injuries.

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. There is no specific overt act against the petitioner. There is no eye witness in the present case. He further



submits that the specific allegation is against the co-accused namely, Fantus Yadav to assault the father of the informant. 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, as there is no specific overt act against the petitioner, let the above named petitioner, 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 Chhabilapur P.S. Case No.49 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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