

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76784 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- DHAMDAHA District- Purnia

1. RUDRA NARAYAN MEHTA @ TULO MEHTA @ SANJEEV KUMAR S/O LATE TRIVENI MEHTA VILLAGE- CHANDRAHI, PS. DAMDAHA, DIST. PURNEA
2. RUPESH KUMAR @ RUPESH KUMAR MEHTA S/O RUDRA NARAYAN MEHTA @ TULO MEHTA VILLAGE- CHANDRAHI, PS. DAMDAHA, DIST. PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 379, 307, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioners is that the petitioners assaulted the informant's side by means of several weapons due to which they sustained injuries. It is also alleged that a golden chain was also snatched from the brother of the informant.

4. 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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 to assault Mukesh Kumar Mehta due to which he sustained grievous injury.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, as there is no specific overt act against the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his 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 Damdaha P.S. Case



No.143 of 2023, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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