

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75316 of 2022

Arising Out of PS. Case No.-159 Year-2020 Thana- HARSIDHI District- East Champaran

1. SHAMBHU BHAGAT @ SHAMBHU PRASAD Son of Suriya Bhagat @ Surya Prasad Resident of Village - Olaha, Mehta Tola, Police Station - Harsidhi, District - East Champaran.
2. Bhagamani Devi @ Bhagamati Devi Wife of Shambhu Bhagat @ Shambhu Prasad Resident of Village - Olaha, Mehta Tola, Police Station - Harsidhi, District - East Champaran.
3. Arjun Prasad Son of Shambhu Bhagat @ Shambhu Prasad Resident of Village - Olaha, Mehta Tola, Police Station - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 448, 341, 323, 379, 504, 34 of the Indian Penal Code but later on cognizance has been punishable under sections 447, 341, 323, 307, 326, 504, 34 of IPC.

The allegation against the petitioners is that they alongwith other co-accused persons abused and assaulted the informant and her family members.



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 a case and counter-case between the parties. There is specific allegation against petitioner no.3 to assault Raj Kishore Prasad due to which he sustained grievous injury and so far as petitioner no.1 and 2 are concerned, the nature of injury attributed towards them are simple in nature. Learned counsel for the petitioner submits that the charge-sheet has been submitted against the accused persons. He relied upon the judgment of Apex Court in the case of ***Mahdoom Bava Vs. Central Bureau of Investigation arising out of SLP (Crl.) No.376 of 2023***. Petitioners have no 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 petitioners, 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 Harsidhi P.S. Case No.159 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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