

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76689 of 2023

Arising Out of PS. Case No.-439 Year-2023 Thana- HARNAUT District- Nalanda

1. Santu Kumar Son Of Shri Sagar Yadav Resident Of Village - Umarchak, P.S. - Harnaut (OP - Gokulpur), District - Nalanda (BIHAR)
2. Dhanik Lal Son Of Shri Vijay Yadav Resident Of Village - Gannichak, P.S. - Belachhi, District - Patna (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Harnaut P.S. Case No. 439 of 2023 dated 17.08.2023, instituted for the offence punishable under Sections 341, 323, 387 and 34 of the Indian Penal Code and 27 of Arms Act.

3. The prosecution case, in short, is that on 17.08.2023, when informant had gone to Bodhnagar Bazar for some work then he came to know that Mukesh Kumar, Santu Kumar and Dhanik Lal had gone to Yogendra Shah's grocery shop last night for buying cigarettes and when Yogendra Sah asked for money then the accused persons started abusing and



assaulting him and while leaving Mukesh Kumar fired in the air and threatened to kill him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioner rather the specific allegation is against one co-accused namely, Mukesh Kumar. It is further stated that informant himself is not an eye witness to the alleged occurrence. Learned counsel further submitted that there is no mention in F.I.R. as to who has disclosed the name of the petitioners to the informant. The source of information has not been provided in the F.I.R. by the informant. It is further submitted that the F.I.R. does not disclose the name of persons who had witnessed the alleged incident. Even the F.I.R. does not contain the signature of the alleged victim namely Yogendra Sah. It is further stated that the alleged occurrence took place in the evening of 16.08.2023. However, the FIR was instituted at 10:10 pm on 17.08.2023 without any explanation of delay. Lastly, it has been submitted that the petitioner no. 2 has no criminal antecedents and petitioner no. 1 has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Harnaut P.S. Case No. 439 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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