

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74732 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- SALAIYA District- Aurangabad

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1. SUMAN BHAGAT @ SUMAN MALAKAR Son of Kishori Bhagat @ Kishori Malakar Resident of Village- Salaiya Tole Hari Bigha, P.S.- Salaiya, District- Aurangabad
 2. RAMESH BHAGAT @ RAMESH MALAKAR Son of Kishori Bhagat @ Kishori Malakar Resident of Village- Salaiya Tole Hari Bigha, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code pending in the learned court below.

Allegation against the petitioners is that they armed with *lathi* and *khanti* assaulted the informant and her family members.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is case and counter case



between the parties and both sides have sustained injuries. He submits that there is specific overt act against the petitioner no.1 to assault the mother-in-law and father-in-law of the informant and there is no specific overt act against petitioner no.2. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail and submits that there is specific overt act against the petitioners to assault the informant and her family members. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is specific overt act against petitioner no.1, I am not inclined to enlarge the petitioner no.1 on bail in connection with Salaiya P.S. Case No. 48/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against petitioner no.2, let the petitioner no.2, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the



satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Salaiya P.S. Case No.48/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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