

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80237 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- ATHMALGOLA District- Patna

1. Nagina Rai Son Of Late Dhansushdhari Rai R/O Vill - Makdumpur, P.S. - Athmalgola, Distt. - Patna
2. Satyendra Kumar @ Satyendar Rai Son Of Nagina Rai R/O Vill - Makdumpur, P.S. - Athmalgola, Distt. - Patna
3. Kamlesh Kumar Son Of Tanik Rai R/O Vill - Makdumpur, P.S. - Athmalgola, Distt. - Patna
4. Mukesh Kumar Son Of Manik Chandra Rai R/O Vill - Makdumpur, P.S. - Athmalgola, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 337, 338, 307, 379 and 427 of the Indian Penal Code pending in the learned court below.

3. Allegation on petitioners is that they along with other co-accused persons, damaged the car of the informant and assaulted the informant side and also snatched gold jewellery and some cash from them.

4. 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 general and omnibus



allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the injury found upon the victim is grievous in nature and in the case diary the witness has supported the prosecution case. Hence, they do not deserve anticipatory bail.

6. Considering the nature of the injury, I am not inclined to enlarge the petitioners on bail in connection with Athmalgola P.S. Case No. 174 of 2023. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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