

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21146 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- BEERPUR District- Begusarai

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1. CHHOTELAL PODDAR S/O RAMUDGAR PODDAR R/O VILLAGE- FULKARI, P.S- BIRPUR, DISTT.- BEGUSARAI.
 2. KRISHAN KUMAR @ KRISHAN PODDAR @ KRISHANANDAN KUMAR S/O CHAMRU PODDAR R/O VILLAGE- FULKARI, P.S- BIRPUR, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504, 506 & 307/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the informant with fist and iron rod. Petitioner no.1 assaulted the informant by means of iron rod on his head and when his son rushed in his rescue, he was also beaten by them and they snatched the golden chain.

4. It is submitted by learned counsel for the petitioners



that the petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties and a Title Suit bearing Title Suit No. 144 of 2005 is going on between them. The injury report of the injured was kept reserved. It is further submitted that the similarly situated co-accused persons have been enlarged on bail by this bench vide order dated 02.04.2024 passed in Cr. Misc. No. 19262 of 2024. Later on, learned counsel for the petitioners fairly submits that there is specific allegation against petitioner no.1 of assaulting the informant by means of iron rod on his head. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against 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 lower Court where the case is pending/successor Court in connection with Birpur P.S. Case No. 178 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is specific allegation against petitioner no.1 to assault the informant by means of iron rod on his head, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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