

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17076 of 2024

Arising Out of PS. Case No.-126 Year-2021 Thana- NAUHATTA District- Saharsa

1. Alok Kumar S/o Amir Yadav R/o vill - Bakunia, P.S. - Nauhatta (O.P Darhar), Distt. - Saharsa
2. Amir Yadav S/o Late Raghunandan Yadav R/o vill - Bakunia, P.S. - Nauhatta (O.P Darhar), Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-04-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners, at the outset,
seeks permission to withdraw the present anticipatory bail
application with respect to petitioner no. 1 (Alok Kumar).

3. Permission is accorded.

**4. Accordingly, the present anticipatory bail
application is dismissed as withdrawn with respect to
petitioner no. 1.**

5. The petitioner no. 2 apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
379, 307, 308, 504, 506 and 34 of the Indian Penal Code.



6. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant with an allegation that petitioner along with Anil assaulted her on head by an iron rod and butt of a rifle respectively. It is next submitted that the allegation of assault is also against Alok. It is further submitted that from perusal of the injury report, it would manifest that the injury is simple in nature and there is no allegation that the petitioner repeated the assault. It is further submitted that in the nature of allegation, Section 307 of the IPC is not attracted. It is next submitted that the police after investigation submitted charge sheet but the learned Trial Court by order dated 17.05.2023 was pleased to take cognizance of offence under Sections 341, 323, 308, 504 and 34 of the IPC as pleaded at Para-7 of the anticipatory bail application, which *prima facie* demonstrates that the injury suffered by the injured was not dangerous to life as recorded in the injury report.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nauhatta P.S. Case No. 126 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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