

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18221 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- BARHARIA District- Siwan

1. NITISH BHARTI @ NITISH KUMAR BHARTI S/O RAGHAV BHARTI R/O VILLAGE- SAWNA MATHJA, P.S- BARHARIA, DISTT.- SIWAN.
2. MADHAW BHARTI S/O SHYAM BAHADUR BHARTI R/O VILLAGE- SAWNA MATHJA, P.S- BARHARIA, DISTT.- SIWAN.
3. RAGHAV BHARTI S/O SHYAM BAHADUR BHARTI R/O VILLAGE- SAWNA MATHJA, P.S- BARHARIA, DISTT.- SIWAN.
4. PRADEEP BHARTI @ PRADEEP KUMAR BHARTI S/O SHYAM BAHADUR BHARTI R/O VILLAGE- SAWNA MATHJA, P.S- BARHARIA, DISTT.- SIWAN.
5. MANTU BHARTI S/O PARMATMA BHARTI R/O VILLAGE- SAWNA MATHJA, P.S- BARHARIA, DISTT.- SIWAN.
6. RUKESH BHARTI @ RAKESH BHARTI @ RAKESH KUMAR BHARTI S/O PARMATMA BHARTI R/O VILLAGE- SAWNA MATHJA, P.S- BARHARIA, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-04-2024 1. 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, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and have been falsely



implicated in the instant case by the informant with general and omnibus allegation of assault. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of assaulting the informant is against Manish Bharti who is alleged to have assaulted the informant by *farsa* on head causing injury and when his brother Nagendra Bharti and Ankit Bharti came to save him, it is alleged that all the accused persons including the petitioners assaulted. It is further submitted that no doubt Nagendra Bharti is alleged to have been assaulted by the accused persons based on which he received grievous injury but then the allegation of assault is not specific and as far as Ankit Bharti is concerned, the injury suffered by him is simple in nature. It is submitted, at the cost of repetition, that the thrust of allegation of specific assault is against Manish Bharti who is not a petitioner in the instant anticipatory bail application. It is further submitted that the petitioners will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their 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) each 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 Barharia P.S. Case No. 435 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation or are not presenting themselves as and when required by the Investigating Officer in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

7. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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