

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22158 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Abhay Kumar Singh @ Abhay Singh S/O- Late Bhuneshwar Singh R/O- Village- Hamidpur, P.S.- Baikunthpur, Dist.- Gopalganj.
2. Bittu Singh @ Biltu Kumar S/O- Late Vinod Singh R/O- Village- Hamidpur, P.S.- Baikunthpur, Dist.- Gopalganj.
3. Akash Kumr Singh S/O- Dhan Bahadur Singh R/O- Village- Hamidpur, P.S.- Baikunthpur, Dist.- Gopalganj.
4. Dhan Bahadur Singh S/O- Late Sama Singh @ Rama Singh R/O- Village- Hamidpur, P.S.- Baikunthpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmveer Jha, Adv.
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Suresh Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 447, 354, 504/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along with other co-accused persons are said to have assaulted the injured persons.

4. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have



been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that both the parties are agnates and there is admitted land dispute between the parties. He fairly submits that the petitioner no. 1 is said to have assaulted the injured person, later on during the treatment the injured person died. The petitioner no. 1 has two criminal antecedent and petitioner nos. 2, 3 and 4 have one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for anticipatory bail and submitted that there is specific allegation against petitioner no. 1.

6. Having regard to the facts and circumstances of the case and the fact the there is no specific allegation against petitioner nos.2, 3 and 4, let the above named petitioner nos.2, 3 and 4, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Baikunthpur P.S. Case No. 297 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that there is specific overt act against petitioner no. 1, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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