

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30056 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- BISHUNPUR CHOWK District-
Darbhanga

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1. SUBHASH KUMAR @ SUBHASH BAITHA SON OF RAJENDRA BAITHA RESIDENT OF VILLAGE - BISHANPUR, P.S. - BISHANPUR, DISTRICT - DARBHANGA
 2. PANKAJ KUMAR SON OF MANOJ BAITHA RESIDENT OF VILLAGE - BISHANPUR, P.S. - BISHANPUR, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Tapeshwar Sharma, APP
For the Informant	:	Mr.Kedar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-09-2024 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 302 and 34 of the IPC.

3. As per the prosecution case, the F.I.R. named accused persons including the petitioners are said to have assaulted the father of informant, due to which, he died.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that there is no specific allegation against the petitioner no.1. There is an admitted land dispute between the parties. The deceased was aged about 70 years and suffering



from ailments and died due to head injury caused in course of bathing. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering that there is no specific overt act against the petitioner no.1, let the above named petitioner no.1, 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 court below where the case is pending/Successor Court in connection with Bishanpur P.S. Case No.05 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the nature of allegation, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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