

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47083 of 2023

Arising Out of PS. Case No.-163 Year-2020 Thana- KHAIRA District- Saran

1. Anish Kumar S/O- Ramdayal Yadav Village- Koreya Ps- Khaira Dist- Saran
2. Rajesh Giri Son Of Chandrika Giri Village- Koreya Ps- Khaira Dist- Saran
3. Anil Kumar Giri @ Anil Giri Bachcha Giri Village- Koreya Ps- Khaira Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.3, submitting that during pendency of this application petitioner no.3 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.3 only.

5. Now this application survives for the petitioner nos. 1 and 2.

6. The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 147, 148, 341, 323, 324 and 504 of the Indian Penal Code and u/s 27 of the Arms Act.

7. Allegation against the petitioners along with 25 named and 50 unknown persons came with various arms and assaulted the informant and co-accused Praveen Kumar Singh has assaulted on the informant's hand by means of sword.

8. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The injury sustained by the victim is simple in nature. Earlier, the bail petition of the petitioners was rejected due to injury was found on the vital part of the body. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

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

10. Having regard to the facts and circumstances of the case, considering there is no specific overt act against the petitioners, let the above named petitioners, 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 lower Court where the case is pending/successor Court in connection with Khaira P.S. Case No.163 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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