

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68564 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. VISHAL KUMAR Son of Bipin Singh Resident of Village - Dhabauli, P.S.- Muffasil (Lakho), District - Begusarai.
 2. Bipin Singh Son of Late Rajendra Singh Resident of Village - Dhabauli, P.S.- Muffasil (Lakho), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-02-2024 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, 379, 506, 504, 34 of the Indian Penal Code.

3. Allegedly, the petitioners are said to have assaulted the informant brutally with deadly weapons due to which he sustained several injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to



ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Both the parties are agnates and there is admitted land dispute between them. There is general and omnibus allegation against petitioner no.2 to assault the informant with iron *kada* on his face and other parts of his body and the injury caused by petitioner no.2 to the informant is simple in nature. Prior to the present case, mother of petitioner no.1 filed Complaint Case No. 711C of 2021 against the prosecution party. Petitioner no.1 has one criminal antecedent, whereas petitioner no.2 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is specific allegation against petitioner no.1 to assault the informant with iron rod due to which he sustained grievous injury on his head. Hence, petitioner no.1 does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as the injury caused by petitioner no.2 to the informant is simple in nature, let the above named petitioner no.2, 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 lower Court where the case is pending/successor Court in connection with Muffasil (Lakho) P.S. Case No. 135 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is specific allegation against petitioner no.1 to assault the informant due to which he sustained grievous injury, I am not inclined to enlarge him on bail. The prayer for bail of petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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