

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70435 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Chandan Kumar Son Of Shankar Prasad Yadav @ Shankar Ray Resident Of Village - Lohagir, Police Station - Ujiarpur, District - Samstipur
2. Krishan Kumar @ Krishana Kumar @ Krishna Kumar Son Of Ramchandra Ray Resident Of Village - Lohagir, Police Station - Ujiarpur, District - Samstipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code.

3. As per the prosecution case, the allegation against the petitioners along with other co-accused persons are that they have assaulted the informant's sons.

4. Learned counsel for the petitioners submits that petitioners are innocent and 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



there is no specific over act against petitioner no. 2. He further submits that there is case and counter case between the parties. He also submits that the petitioner no. 1 is said to have assaulted one, Amarjeet, but the injury was reserved till date. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned counsel for the State opposes the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner no. 2, 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 Court below where the case is pending/successor Court in connection with Ujiarpur P.S. Case No. 71 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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



The prayer for anticipatory bail of the petitioner no. 1 is hereby rejected.

9. However, if the petitioner no.1 is surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner no. 1 has no criminal antecedent.

10. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

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