

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75227 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- BARHARIA District- Siwan

1. Subhash Prasad @ Subash Sah @ Subhas Sah Prasad S/O Late Ramayan Sah Resident of Village and P.S. - Barharia, District - Siwan.
2. Vijay Kumar S/O Subhash Prasad @ Subash Sah @ Subhas Sah Prasad Resident of Village and P.S. - Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Adv.
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Javed Aslam, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioners, learned
A.P.P. 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, 325, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners alongwith other co-accused persons came at the informant's shop and started assaulting him. When the informant's son came to save him then the co-accused, Madan Prasad, hit him with iron pipe which resulted into head injury. It is also alleged that the petitioner no. 2 has stolen Rs.35,000/- from the informant's shop.



4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioner no. 1. He further submits that although the petitioner no. 2 is alleged to have stolen Rs. 35,000/- from the informant's shop, there have been no incriminating articles recovered from the possession or the house of petitioner no. 2. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail and submitted that the petitioners are involved in the present case.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner no. 1 and although the petitioner no. 2 is alleged to have stolen Rs. 35,000/- from the informant's shop, there have been no incriminating articles recovered from the possession or the house of petitioner no. 2, 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 Barharia P.S. Case No.217 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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