

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82470 of 2024

Arising Out of PS. Case No.-268 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Afsar Shah S/O Late Gulam Peer Shah Resident of village-Sikandarpur (Fulwriya), P.S. Chainpur, District-Kaimur at Bhabua.
2. Iliyas Shah S/O Late Gulam Peer Shah Resident of village-Sikandarpur (Fulwriya), P.S. Chainpur, District-Kaimur at Bhabua.
3. Munna Shah S/O Akman Sah Resident of village-Sikandarpur (Fulwriya), P.S. Chainpur, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Kumar Sunil, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2024 Heard learned counsels for the parties.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 191(2) /191(3) /190 / 115(2) /117(2) /109/74/303(2)/324(4)/324(5)/329(3)352/351(2) of the BNS, 2023, and 27 of Arms Act, 1959.

3. As per the FIR, petitioners and other co-accused persons assaulted the informant's side by means of deadly weapons due to which they sustained injuries.

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. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that for the alleged occurrence there is a case and counter-case between the parties. There is no specific overt act against the petitioners. Petitioner no.1 is said to have assaulted one Fahimu Khan by means of garasa but the injury was found simple in nature. The opinion on injury of Basar Ali Khan was kept reserved but later on it was also opined as simple. It is further submitted that the petitioner no.1 had filed a case against the informant's side of the present case and in the said case one person was killed by the present informant's side. Petitioner nos.1 and 2 have three criminal antecedent and petitioner no.3 has one criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant that the brother of informant had received grievous injury and he also disputed the fact that the injuries were of simple nature.

6. Having regard to the facts and circumstances of the case as well as considering that both sides sustained grievous injury, 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 court below where the case is pending/Successor Court in connection with Chainpur P.S. Case No.268 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Anjani Kumar Sharan, J)

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