

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84285 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- Nawalpur District- West Champaran

1. Sheikh Shamim @ Shamim Ahmad S/o- Sheikh Anjar Resident of village- Khairatiya baldiha ward no 06, Ps- Nawalpur District-West Champaran
2. Sheikh Anjar S/o- Late Sheikh Raiful @ Late Sheikh Ramful Resident of village- Khairatiya baldiha ward no 06, Ps- Nawalpur District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Avinash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352, 3(5) of the B.N.S., 2023 corresponding to Sections 341, 323, 324, 325, 307, 379, 504/34 of IPC.

3. Allegedly, all FIR named accused persons along with the petitioners surrounded the informant and started abusing. On objection raised by informant, they assaulted the informant with iron rod due to which he got seriously injured. One co-accused also snatched Rs.15,000/- from informant's pocket.



4. 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 due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is fairly submitted that there is specific allegation of assaulting the informant on petitioner no. 2 and injury was found to be grievous in nature. There is no specific allegation against petitioner no.1 rather the allegations are general and omnibus in nature. There is admitted land dispute between the parties. Petitioner no.1 has one criminal antecedent and petitioner no.2 has three criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering that there is no specific overt act against the petitioner no. 1, let the petitioner no. 1, 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 Nawalpur P.S. FIR No.67 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS, 2023.

7. However, considering the specific allegation against the petitioner no. 2 and grievous nature of injury, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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