

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86240 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- KHAIRA District- Saran

Nizam Mian Adalat Miyan Village Khaira PS Khaira, DIST.- SARAN AT
CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Khaira P.S. Case No.129 of 2023, registered for the offence punishable under Sections 341, 323, 307, 504 and 379 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with other co-accused persons assaulted the informant's sister when she went to the house of the accused persons. When the informant went to rescue his sister, the petitioner and other accused persons assaulted him as well. The petitioner is said to have assaulted by means of *dab*.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is a case and counter case between the parties. He submits that one co-accused assaulted the informant by means of iron rod due to which he sustained grievous injury. He further submits that similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.11.2023 passed in Cr. Misc. No.60851 of 2023. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the injury is of grievous nature, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law considering that similarly



situated co-accused has been granted anticipatory bail by a co-
ordinate Bench of this Court.

(Anjani Kumar Sharan, J)

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