

Arising Out of PS. Case No.-38 Year-2022 Thana- DEWARIA District- Muzaffarpur

... .. Petitioner/s

Versus

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aradhna Kamal, Adv

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-02-2024 **1.** Heard learned counsel for the petitioner, learned
A.P.P. for the State along with learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 354A, 354B, 379 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner, at the outset, submits that from perusal of allegation as alleged in the FIR, it would manifest that as far as this petitioner is concerned, he is not alleged to have assaulted the injured. It is also submitted that petitioner is a senior citizen, aged about 77 years, and specific allegation of assaulting the injured person is against Saroj Rai and others. It is also submitted that injury suffered by the injured is said to be grievous, but then it is a non-vital part of the body. It is thus submitted that when there is no specific



allegation of assault against the petitioner, in that event, petitioner be granted the privilege of anticipatory bail considering his age.

4. The learned APP along with learned counsel for the informant opposes anticipatory bail application, but are not in a position to rebut the submission of the learned counsel for the petitioner that there is no specific allegation of assault against the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Devaria P.S. Case No. 38 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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