

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.306 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- DHANSOI District- Buxar

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1. Madhusudan Pathak S/o Sri Ram Pathak Resident of Village- Jagmanpur, P.S.- Dhansoi, District- Buxar
 2. Nandu Pathak @ Nand Kishore Pathak S/o Sri Ram Pathak Resident of Village- Jagmanpur, P.S.- Dhansoi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Om Prakash Upadhyay
For the Opposite Party/s :	Mr. Mukesh Kumar Singh
For the Informant :	Mr. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-02-2024 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, the petitioner no.2 instigated the petitioner no.1 to kill the informant and bury his dead body in the ground. On his instigation, the petitioner no.1 assaulted the informant on his head with spade due to which he sustained injuries.

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. 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. There is an old enmity between the parties regarding drainage. He submits that there is a case and counter case between the parties. He further submits that the injuries sustained by the informant are of simple nature. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, 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 Dhansoi P.S. Case No.157 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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