

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17642 of 2023

Arising Out of PS. Case No.-282 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

UDAY KUMAR S/O RAMNATH SAH Resident of Village- Madhurapur,
P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Punam Shrivastava, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard the parties.

Petitioner apprehends his arrest in connection with Sahebganj (Muzaffarpur) P.S. Case No. 282 of 2021 registered for the offence punishable under Sections 323, 504, 506, 324/34 of the Indian Penal Code. Subsequently, Section 307 of the Indian Penal Code was added.

As per the First Information Report, the petitioner along with other accused persons arrived at the door of the informant armed with various weapons and assaulted him and when the informant tried to escape from their clutches, co-accused Ramnath Sah assaulted him by means of iron rod on his head, but, somehow the informant saved him and assault made by Ramnath Sah caused injury near the shoulder of the informant. It has further been alleged that Uday Kumar



(petitioner) put the gun near the left side of the head of the informant and threatened him that he would be killed.

Learned counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of concocted story due to previous enmity between the parties. He further submits that there is case and counter case between the parties and an F.I.R. has been lodged by the side of the petitioner against the informant and others. Learned counsel next submits that only allegation against the petitioner is that he put gun on the head of the informant and threatened him. The allegation of assault against the petitioner along with other accused persons is general and omnibus in nature.

Regards being had to the submission made by the parties and taking into consideration the fact that there is case and counter case between the parties, the allegation of assault against the petitioner is general and omnibus in nature except specific allegation that he threatened the informant with dire consequence, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the learned court below within six weeks from today, petitioner,



above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st (West), Muzaffarpur, in connection with Sahebganj (Muzaffarpur) P.S. Case No. 282 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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