

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41201 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -KHANPUR District- SAMASTIPUR

- =====
1. Maheshwar Sah S/o Late Bachhu Sah
 2. Lakhan Sah @ Ram Lakhan Sah S/o Late Sukhan Sah All resident of Village- Siraul, P.S.- Khanpur, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 15-12-2016 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present application in respect to the petitioner no.1 namely Maheshwar Sah as he has already been arrested.

Permission is accorded.

The application in respect to the petitioner no.1 is, accordingly, dismissed as withdrawn.

Heard learned counsel for the petitioner no.2 and learned counsel appearing on behalf of the State.

The petitioner no.2 is apprehending his arrest in connection with Khanpur P.S. Case No. 60 of 2016 for the offences instituted under Sections 448, 341, 323, 354 and 504/34 of the Indian Penal Code.

The allegation against the petitioner no.2 is of assaulting the informant with leg on the instigation of the



petitioner no.1.

It has been submitted on behalf of the petitioner no.2 that he has falsely been implicated in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner no.2 is the *Bhaisur* of the informant. The present case has been instituted due to property dispute. There is no injury on the informant. The main allegation is against co-accused namely Binod Sah and Ganesh Sah.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no.2 namely Lakhan Sah @ Ram Lakhan Sah be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Khanpur P.S. Case No. 60 of 2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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