

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28315 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -BITHAN BAZAR District- SAMASTIPUR

- =====
1. MITHLESH KUMAR @ MITHLESH SAH son of Suresh Sahu
 2. Bimal Kumar @ Bishal Sah son of Suresh Sahu
 3. Pawan Kumar @ Pawan Sah son of Suresh Sahu All are residents of village - Tengraha, P.S. - Bithan, District - Samastipur.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jagdhar Prasad

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 2 06-07-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Bithan P.S. Case No. 43 of 2017 for the offences instituted under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The allegation against the petitioner no.1 is that he along with co-accused assaulted Mistri Asharfi Sharma with lathi on his head, causing injury on his head.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is a case and counter case between the parties. No overt act has been alleged against the petitioner no.2 and the petitioner no.3.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioners are named in the F.I.R. and there is specific allegation of assault is alleged against the petitioner no.1.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner no.1. Prayer for anticipatory bail of petitioner no.1 is rejected.

Anyhow if the petitioner no.1 surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

As far as the petitioner no.2 and the petitioner no.3 are concerned, they are directed to be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today, in connection with Bithan P.S. Case No. 43 of 2017 on furnishing bail bonds of



Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, 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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