

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71681 of 2018

Arising Out of PS. Case No.-210 Year-2018 Thana- BAIRIYA District- West Champaran

1. Raj Kumar Sah son of Rameshwar Sah.
2. Ramesh Sah son of Late Vishvnath Sah.
3. Sambhu Sah son of Late Babulal Sah. All are resident of Village- Bagicha Tola Pakhnaha, Police Station- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application in respect of petitioner no. 2 is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos. 1 and 3 are apprehending their arrest in a case registered under Sections 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.



The prosecution case, in short, is that the accused persons were forcibly trying to capture land of the informant and when he protested, he was assaulted by them due to which he sustained injury.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 and 3. The petitioner nos. 1 and 3 have falsely been implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner nos. 1 and 3 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3, above named, in the event of arrest/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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII- Bettiah, West Champaran in connection with Bairiya P.S. Case No. 210 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

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