

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66048 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- ARER District- Madhubani

-
1. Raj Kumar Sah @ Ram Kumar Sah Son of late Buttai Sah
 2. Shambhu Sah son of Sri Thakhar Sah
 3. Bechan Mahto Son of Sri Ram Nandan Mahto
 4. Soman Sah Son of Sri Thakhar Sah All are Resident of Village- Karhi, P.S. Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar
For the Opposite Party/s	:	Smt. Renu Kumari, APP
For the informant	:	Mr. Shailendra Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-11-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application filed in respect of petitioner no. 3 who has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 3.

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant. A supplementary affidavit is filed on behalf of the petitioners which is taken on record.

The petitioner nos. 1, 2 and 4 are apprehending their arrest in a case registered under Sections 147, 148, 149, 341,



323, 307, 354, 379, 504 and 506 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was at his *darwaja*, the accused persons, variously armed, came and assaulted him. The family members of the informant were also assaulted by them.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioner nos. 1, 2 and 4. The petitioner nos. 1, 2 and 4 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 and informant, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 2 and 4, 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 Munsif-cum- Judicial Magistrate- 1st Class, Benipatti in connection with Arer P.S. Case No. 101/2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

