

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58439 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -BHEJA District- MADHUBANI

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1. Uma Sadai, S/o Bahadur Sadai,
 2. Chandan Sadai, S/o Uma Sadai,
 3. Laxmi Sadai, S/o Late Guledi Sadai,
 4. Balchand Sadi @ Balchandra Sadai, S/o Shankar Sadai,
 5. Lakhichandra Sadai, S/o Late Bhutaha Sadai,
 6. Arun Sadai, S/o Laxmi Sadai,
 7. Mishri Sadai, S/o Hakaru Sadai, R/o Vill.- Daldal, P.S.- Bheja, District-Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Baleshwar Kamat, Advocate.

For the Opposite Party : Mr. Ram Priya Saran Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner nos. 1, 3, 4, 5, 6 and 7 as they have already been taken into judicial custody in connection with Bheja P.S. Case No. 12/2018 (G.R. No. 274/2018), pending in the court of learned A.C.J.M.-III, Jharjharpur, District-Madhubani.

Permission is accorded.

The anticipatory bail application on behalf of petitioner nos. 1, 3, 4, 5, 6 and 7 is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and



learned A.P.P. for the State.

The petitioner no. 2 is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 504 of the IPC.

The prosecution story, in brief, is that on 09.03.2018 at 7.00 A.M., the informant had gone to visit his land and he saw that some body made a *Phoosh House* on his land and in the meantime, petitioner and others came there with Lathi, Kudal, Dabiya, Farsa, Iron rod and abused and assaulted the informant and others which caused injuries. Other people came and saved them. Thereafter, the informant was admitted in Madhepur P.H.C. for better treatment.

It has been submitted by learned counsel for the petitioner no. 2 that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. There is case and counter case between the parties. Both sides sustained injuries due to free fight. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 2 is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner no. 2 Chandan Sadai (except petitioner nos. 1, 3, 4, 5, 6 and 7) above named, in the event of arrest or 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Jhanjharpur Madhubani, in connection with Bheja P.S. Case No. 12/2018 (G.R. No. 274 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

