

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53854 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- UJIYARPUR District- Samastipur

1.Tirpit Narayan Chaudhary @ Tripti Narayan Chaudhary @ Bikau Chaudhary, s/o- Late Ram Narayan Chaudhary.

2. Rajni Kant Chaudhary @ Rajni Chaudhry, s/o- Tirpit Narayan Chaudhary @ Tarpit Narayan Chaudhary

Both resident of village Ramchandrapur, Anchal & P.S.- Ujiarpur, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Namrata Mishra

For the Opposite Party/s : Mr. Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application in respect of petitioner no. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 341, 323, 307 and 34 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was sleeping at his verandah, the accused persons assaulted him by



sharp cutting weapon due to which he sustained injury.

It has been submitted on behalf of the petitioner that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2 . There is a case and counter case between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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 S.D.J.M., Dalsingsarai, Samastipur in connection with Ujiarpur P.S. Case No. 121 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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