

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5654 of 2020**

Arising Out of PS. Case No.-993 Year-2019 Thana- BIHTA District- Patna

1. RITESH KUMAR @ RITESH SAO Son of Bhikhari Sao @ Satya Narayan Sao Resident of Village - Kanchanpur, P.S.- Bihta, District - Patna.
2. Shailesh Kumar @ Shailesh Saw Son of Late Nirmal Saw Resident of Village - Kanchanpur, P.S.- Bihta, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh,Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-06-2020 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Bihta P.S. Case No. 993 of 2019 registered for the offences punishable under Sections 448, 341, 323, 324, 307 & 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the petitioners are co-sharers of the informant. There is a case and counter case also. The counter case lodged by petitioner no. 1 in this case has been registered as Bihta P.S. Case No. 994 of 2019.

Learned counsel submits that the injury report of the



informant in this case suggests two lacerated wounds caused by hard and blunt object whereas the allegation against the petitioner no. 1 is that he was having a knife in his hand and petitioner no. 2 was having a *Chhanouta* but no injury which may be caused by weapon has been noticed in the injury report.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners but having considered the fact that both the parties are co-shares, there is a case and counter case on the same day giving different version of the story and the injury report shows two lacerated wounds caused by hard and blunt object whereas these petitioners were having knife and *Chhanouta* respectively of which no injury has been noticed as also they have no criminal antecedent, let the petitioners above named in the event of his arrest or surrender within a period of four weeks from today in connection with Bihta P.S. Case No. 993 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur (Patna), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

