

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13401 of 2020

Arising Out of PS. Case No.-293 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Nandan Kumar @ Nandan Sah, aged about 21 years, Male, S/o Mohan Sah, R/o Village- Khaira Azam, P.S.- Baikunthpur, District- Gopalganj.
2. Mohan Sah, aged about 53 years, Male, S/o Late Petu Sah, R/o Village- Khaira Azam, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Satyendra Rai, Advocate.
For the Opposite Party : Mr.Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 447, 341, 323, 324, 354 and 504/34 of the IPC.

The prosecution story, in brief, is that on 21.11.2018 the petitioner no. 1 entered into the house of the informant and began to demand Mobile number of informant’s daughter, so the



informant forced him to flee away from his home. So, he went from the informant's house and again he alongwith co-accused Kundan Kumar, Mohan Sah (petitioner no. 2), Aarti Devi and Shivpati Devi came at his house and began to abuse him and when the informant objected to abuse him, then all accused persons began to assault the informant and during course of quarrel, petitioner no. 1(Nandan Kumar Sah) bite on the chick of informant's daughter and Mohan Sah (petitioner no. 2) assaulted him with *Danda* due to which, he received head injury.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to the village politics. Nature of injury is said to be simple.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, 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 their personal bond to the satisfaction of learned C.J.M., Gopalganj, in connection with Baikunthpur P.S. Case No. 293 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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