

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18050 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- JANTA BAZAR District- Saran

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1. Ravi Kumar, aged about 21 years, Gender-Male, Son of Vinod Prasad, Resident of Village - Tajpur Mahviri, Chowk, P.S.- Janta Bazar, Distt – Saran.
 2. Vivek Kumar, aged about 25 years, Gender-Male, Son of Vinod Prasad, Resident of Village - Tajpur Mahviri Chowk, P.S.- Janta Bazar, Distt - Saran.

... .. Petitioners

Versus

1. The State of Bihar.
2. Chandan Prasad, Son of late Sabhu Prasad, Resident of Village - Tajpur Mahviri, P.S.- Janta Bazar, Distt - Saran.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Sanjay Kumar Verma, Advocate.
For the State : Mr.Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2020 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.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 1, namely, Ravi Kumar, as he has already been taken into custody, in connection with Janta Bazar P.S. Case No. 167 of 2019, pending in the court of learned A.C.J.M.-Vth, Chapra.

Permission is accorded.



Accordingly, the anticipatory bail application on behalf of petitioner no. 1, namely, Ravi Kumar, is dismissed as withdrawn.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 offences registered under Sections 341, 323, 324 and 307/34 of the I.P.C.

The prosecution case, in short, is that on 30.10.2019 at about 9.00 P.M., while the informant, co-accused Ravi Kumar, Golu Kumar and Binay Kumar going to their house, Vivek Kumar (petitioner no. 2) and co-accused Ravi Kumar assaulted the informant with Sword, as a result of which, he sustained injuries.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.



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

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner no. 2, above named, (except petitioner no. 1 Ravi Kumar) in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.C.J.M., Vth, Chapra, in connection with Janta Bazar P.S. Case No. 167 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 2 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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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