

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24908 of 2020

Arising Out of PS. Case No.-290 Year-2019 Thana- RAMNAGAR District- West Champaran

1. NRIPENDRA KUMAR S/o Bunna Mahto Resident of Village-Babhani, P.S.-Ram Nagar, District-West Champaran.
2. Satendra Kumar S/o Bunna Mahto Resident of Village-Babhani, P.S.-Ram Nagar, District-West Champaran.
3. Bunna Mahto S/o Quer Mahto Resident of Village-Babhani, P.S.-Ram Nagar, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-10-2020 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 is directed to remove the defects, as pointed out by the Office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner nos. 2 and 3 as they have been taken into judicial custody.

Permission is accorded.



The application is dismissed as withdrawn in respect of petitioner nos. 2 and 3.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no. 1 is apprehending his arrest in Ram Nagar P.S. Case No. 290 of 2019 registered under Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that for petty reason, the accused persons, variously armed, assaulted the husband and other family members of the informant due to which they sustained injuries.

It has been submitted on behalf of the petitioner no. 1 that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner no. 1 has falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place between the parties. Both the parties are agnates.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R. There is specific allegation of assault alleged against him.



Considering the nature of allegation, I am not inclined to grant anticipatory bail to petitioner no. 1. The prayer is rejected. If the petitioner no. 1 surrenders in the Court below and prays for regular bail, the same shall be considered on its own merit preferably on the same day without being prejudiced by this order.

(Sudhir Singh, J)

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