

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11622 of 2021

Arising Out of PS. Case No.-615 Year-2019 Thana- NARPATGANJ District- Araria

1. Mithun Swarnkar @ Mithun Kumar Soni, age about 18 years, Male, S/O Ramashish Swarnkar, R/O Village and P.O-Ghurna, P.S-Narpatganj (O.P.-Ghurna), District-Araria.
2. Asha Kumari @ Asha Kumari, age about 18 years, Female, D/O Ramashish Swarnkar, R/O Village and P.O-Ghurna, P.S-Narpatganj (O.P.-Ghurna), District-Araria.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rajiv Ranjan Kr. Pandey, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

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 448, 147, 148, 149, 341,323, 326(A), 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 28.10.2019 at about 2.00 P.M., in the day time, while the informant was fixing the *Tent* on his land for performing the '*Sradhkarm*' of his mother, all accused persons including the petitioners and 4-5



unknown persons armed with weapons entered into the courtyard of the informant and started abusing and assaulting the informant with fists and slaps on account of purchasing land by the informant from the relative of accused persons, threatened for its dire consequence. In the meantime, the accused persons having bottles of acid with them, opened it and started sprinkling on the persons present there as a result, several persons namely, Bijay Thakur, Mahesh Thakur, Dinesh Thakur, Pramod Thakur, Rekha Devi, Shanti Devi, Komal Devi, Kalpana Devi and Kirtan Devi sustained injuries. On hearing alarm when the persons started gathered there, the accused persons fled away from there. The injured persons were brought to P.H.C. for their treatment from where they were referred to Purnea for their better treatment.

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. General and omnibus allegation has been made against the petitioners. There is case and counter case 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Narpatganj (Ghurna) P.S. Case No. 615/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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