

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18328 of 2021**

Arising Out of PS. Case No.-117 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Mahindra Sada @ Mahendra Sada, Male, aged about 62 years, S/O Late Laxman Sada, R/O Village Kewatgama, Tole Bramotar, P.S.-Kusheshwar Asthan, District-Darbhanga.
 2. Yogi Sada, Male, aged about 60 years, S/O Laxman Sada R/O Village Kewatgama, Tole Bramotar, P.S.-Kusheshwar Asthan, District-Darbhanga.
 3. Sarwan Sada, Male, aged about 21 years, S/O Yogi Sada, R/O Village Kewatgama, Tole Bramotar, P.S.-Kusheshwar Asthan, District-Darbhanga.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ranjit Kumar Yadav, Advocate.
For the Opposite Party : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 13-04-2021 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 through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 05.05.2020 at about 5.00 P.M. in the evening, while the nephew of the informant was returning after purchasing vegetables and



reached near the Churapatti School, Ranjit Sada threw stone-chips on him causing chick injury. In the meanwhile, Ranjit Sada, Pramod Sada, Dilwar Sada and Mahendra Sada came and assaulted with fists and slaps. The informant, his uncle and nephew came there and tried to pacify the matter, 15-20 persons arrived there armed with various weapons and started assaulting. Jogi Sada assaulted with Kudal on the head of Lalan Paswan, as a result of which, blood started oozing and he fell down in unconscious position, Mahendra Sada assaulted with Bhala and Sharawan Sada assaulted with Farsa on the head of informant, as a result of which, he fell down and other persons assaulted with Lathi and Danda causing injury on finger of leg. When Vikash Paswan came to save then Pramod Sada and Ram Japo Sada assaulted with Lathi on the head of Vikash Paswan causing head injury and Dilwar Sada broke right hand of Vikash. All named persons assaulted the informant and others and Ranjit Sada snatched golden chain and when nearby people arrived, accused persons fled away threatening to be killed and got treated at Primary Hospital and being serious nature of injury, his uncle was referred to D.M.C.H.

It has been submitted by learned counsel for the petitioners that they have got no criminal antecedent. There is



no allegation of tampering with the witnesses alleged against them. They have 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. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

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 aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 A.C.J.M. Ist, Birual, Darbhanga, in connection with Kusheshwar Asthan P.S. Case No. 117/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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