

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26608 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Jitendra Kumar @ Jitendra Mahto S/O Shanker Mahto R/O Village-Darhia Belar, P.S.-SAMASTIPUR (MUFASSIL), District-Samastipur.
 2. Virendra Mahto @ Virendra Prasad @ Kappu S/O Late Yogendra Mahto R/O Village-Darhia Belar, P.S.-SAMASTIPUR (MUFASSIL), District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

The present matter is being taken up out of turn on the mentioning slip filed on behalf of the petitioners stating therein that the petitioner No.1 is suffering from illness. Let the mentioning slip filed on behalf of the petitioner be kept on record.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Samastipur (Mufassil) P.S. case No.09 of 2021



registered under Sections 323, 341, 324, 447, 307, 354(B), 379, 504/34 of the Indian Penal Code.

Allegation is that petitioner No.1 assaulted the informant by means of farsa, due to which he sustained injury on his head and when the son of the informant came to save him, petitioner No.2 assaulted him by means of iron rod, due to which he sustained head injury.

It has been submitted on behalf of the petitioner that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The allegation of assault by the petitioner Nos.1 and 2 is denied by the petitioners. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. There is land dispute between the parties.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the 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 twelve weeks



from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate II, Samastipur in connection with Samastipur (Mufassil) P.S. case No.09 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Sudhir Singh, J)

Narendra/-

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