

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27953 of 2021

Arising Out of PS. Case No.-427 Year-2019 Thana- PARBATTa District- Khagaria

1. BABU SAHEB Son of Katiman Singh Resident of Village - Madhavpur, P.S.- Parbatta, Distt.- Khagaria.
2. KATIMAN SINGH Son of Late Bino Singh Resident of Village - Madhavpur, P.S.- Parbatta, Distt.- Khagaria.
3. HARISH SINGH Son of Late Bino Singh Resident of Village - Madhavpur, P.S.- Parbatta, Distt.- Khagaria.
4. DIWAKAR SINGH Son of Late Bino Singh Resident of Village - Madhavpur, P.S.- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners seeks permission
of the Court to withdraw this application in respect of petitioner
no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner no. 2.

Learned counsel for the petitioner nos. 1, 3 and 4 is
directed to remove the defects, as pointed out by the Office,



within a period of four weeks after restoration of normalcy.

The petitioner nos. 1, 3 and 4 are apprehending their arrest in a case registered under Sections 341, 323, 325, 326, 379, 504, 506 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons surrounded the informant and attacked on informant and his father due to which they sustained injury. The accused persons also threatened them with dire consequences.

It has been submitted on behalf of the petitioner nos. 1, 3 and 4 that petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1, 3 and 4. The petitioner nos. 1, 3 and 4 have falsely been implicated in the present case. The alleged occurrence is said to have taken place on 16.10.2019 for which case was instituted on 20.10.2019. The delay in lodging the case has not been explained by the prosecution. There is a case and counter case between the parties. A free fight is alleged to have taken place. 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 State, it is submitted that the petitioner nos. 1, 3 and 4 are named in the F.I.R.



Considering the aforesaid facts and circumstances, the petitioner nos. 1, 3 and 4, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. -I, Khagaria in connection with Parbatta P.S. Case No. 427 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 nos. 1, 3 and 4 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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)

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