

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28360 of 2021

Arising Out of PS. Case No.-468 Year-2020 Thana- JOGAPATTI District- West Champaran

1. PARAS SAH @ PARASH SAH Son of Late Mathura Sah Resident of Village - Dudhiyawa, P.S. - Yogapatti (Nawalpur), District - West Champaran.
2. Chandi Sah Son of Late Mathura Sah Resident of Village - Dudhiyawa, P.S. - Yogapatti (Nawalpur), District - West Champaran.
3. Rajesh Sah Son of Paras Sah Resident of Village - Dudhiyawa, P.S. - Yogapatti (Nawalpur), District - West Champaran.
4. Bhikhari Sah Son of Paras Sah Resident of Village - Dudhiyawa, P.S. - Yogapatti (Nawalpur), District - West Champaran.
5. Somari Sah Son of Chandi Sah Resident of Village - Dudhiyawa, P.S. - Yogapatti (Nawalpur), District - West Champaran.
6. Mehi Lal Sah Son of Bhikhari Sah Resident of Village - Dudhiyawa, P.S. - Yogapatti (Nawalpur), District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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

Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.4, as
the petitioner No.4 has been taken into judicial custody.



Permission is accorded.

The application filed on behalf of petitioner No.4 is dismissed as withdrawn.

The petitioner Nos.1, 2, 3, 5 and 6 are apprehending their arrest in connection with Yogapatti (Nawalpur) P.S. case No.468 of 2020 registered under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

Allegation is that the accused persons assaulted the informant and his son by means of lathi, bricks, iron rod and garasa on his head, due to which they sustained injuries.

It has been submitted on behalf of the petitioner Nos.1, 2, 3, 5 and 6 that the petitioner Nos.1, 2, 3, 5 and 6 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1, 2, 3, 5 and 6. The petitioner Nos.1, 2, 3, 5 and 6 have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out. The injuries on the side of the accused persons have 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, 2, 3, 5 and 6 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.1, 2, 3, 5 and 6, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. case No.468 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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