

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34764 of 2021

Arising Out of PS. Case No.-821 Year-2020 Thana- SONEPUR District- Saran

1. SHAMBHU RAI SON OF LATE DEOKI RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
2. INDRAMANI RAI SON OF LATE DEOKI RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
3. KRISHNA RAI SON OF LATE DEOKI RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
4. ROHIT KUMAR @ ROHIT RAI SON OF PRABHU RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
5. BRAJ MOHAN RAI SON OF PRABHU RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
6. RAJU RAI SON OF INDRAMANI RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
7. SUDHIR RAI SON OF SHAMBHU RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.
8. SANTOSH RAI SON OF KISHORI RAI Resident of Village - Garipatti, P.O.- Kharika, P.S.- Sonepur (Pahleja O.P.), Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2021 Heard learned counsel for the petitioners and the State through virtual mode.

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

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner



Nos.1, 2, 3, 4 & 8 as during pendency of this application, they have been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner Nos.1, 2, 3, 4 & 8 is dismissed as withdrawn.

The petitioner Nos.5, 6 & 7 are apprehending their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 379, 307 of the Indian Penal Code.

Allegedly, the accused persons stopped the informant in the way and assaulted him, due to which, one hand of Jailal Rai was fractured. The accused persons snatched Rs. 41000/- also from the informant.

It has been submitted on behalf of the petitioner Nos. 5, 6 & 7 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused 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. 5, 6 & 7 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the



case, the petitioner Nos. 5, 6 & 7, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 821 of 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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