

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35672 of 2021

Arising Out of PS. Case No.-386 Year-2020 Thana- KATEYA District- Gopalganj

1. Giri Prasad @ Giri Gond @ Giri Prasad Gond S/O Late Batai Gond R/O Village-Karkataha, P.S. Kateya, District-Gopalganj
2. Vikash Kumar @ Vikash Gond @ Vikash Kumar Gond S/O Giri Gond R/O Village-Karkataha, P.S. Kateya, District-Gopalganj
3. Sailesh Gond S/O Shivsagar Gond R/O Village-Karkataha, P.S. Kateya, District-Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2021 Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner nos. 2 and 3 and learned APP for the State.

Learned counsel for the petitioner nos. 2 and 3 is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.



The petitioner nos. 2 and 3 are apprehending their arrest in a case registered under Sections 341, 323, 324, 325, 379, 307 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the brother of the informant due to which he sustained injury. The informant came in rescue and was also assaulted by the accused persons.

It has been submitted on behalf of the petitioner nos. 2 and 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 and 3. The petitioner nos. 2 and 3 have falsely been implicated in the present case. 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. 2 and 3 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 and 3, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 386/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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