

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34269 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- SIGAUDI District- Patna

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1. KAPIL PASWAN SON OF DEVNANDAN PASWAN R/O VILLAGE-PATRINGA, P.S.- SIGORI, DISTT.- PATNA
 2. DEVANTI DEVI @ JAMANTI DEVI WIFE OF KAPIL PASWAN R/O VILLAGE- PATRINGA, P.S.- SIGORI, DISTT.- PATNA
 3. PREMDHAN PASWAN SON OF KAPIL PASWAN R/O VILLAGE-PATRINGA, P.S.- SIGORI, DISTT.- PATNA
 4. SHIVDHAN PASWAN SON OF KAPIL PASWAN R/O VILLAGE-PATRINGA, P.S.- SIGORI, DISTT.- PATNA
 5. NITISH KUMAR SON OF KAPIL PASWAN R/O VILLAGE- PATRINGA, P.S.- SIGORI, DISTT.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioners and the State.

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 No. 1 namely, Kapil Paswan as during pendency of this application, he has been taken into judicial custody.



Permission is granted.

Accordingly, this application with regard to petitioner No. 1 namely, Kapil Paswan is dismissed as withdrawn.

The petitioner Nos. 2 to 5 are apprehending their arrest in a case registered for the offence under Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code.

Allegedly, in the backdrop of land dispute, the occurrence took place in which, the accused persons including the petitioners are alleged to have assaulted the family members of the informant, as a result of which, they sustained injuries.

It has been submitted on behalf of the petitioner Nos. 2, to 5 that the petitioner Nos. 2, 4 & 5 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. General and omnibus allegation has been made against them. No specific overt act is 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. 2 to 5 are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 2 to 5, 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 on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur in connection with Sigori P.S. Case No. 152 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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