

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38589 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- BIHTA District- Patna

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1. VIJAY KUMAR @ VIJAY RAI Son of Late Brahamdeo Rai Resident of Village- Goriya Dera, Neora O.P., P.S.- Bihta, District- Patna.
 2. Bittu Kumar Son of Vijay Kumar @ Vijay Rai @ Vijay Yadav Resident of Village- Goriya Dera, Neora O.P., P.S.- Bihta, District- Patna.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Md. Fahimuddin, Advocate.
For the State	:	Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-09-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 06.07.2021, within four weeks from today.

At the very outset, learned counsel for the petitioners submits that while a Mention Slip dated 14.09.2021 was filed by him to withdraw this application as the petitioners wanted to surrender before the court below in this case but the petitioners have not surrendered before the court below in this case as yet and, as such, this application, for granting the privilege of pre-arrest bail to the petitioners, may be heard on merit.

Accordingly, this application for granting the privilege of pre-arrest bail to the petitioners is being heard on

merit.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bihta P.S. Case No.336 of 2020 registered under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the morning of 17.05.2020, the informant Subash Singh was going to Danapur Mandi from his house boarding on Tempo. When the Tempo reached at Goriya Dera, then, in the way, 8 persons, named in the F.I.R., including the petitioners managed to stop the Tempo. The aforesaid persons having armed with lathi, iron rod and country made pistol in their hands came near the informant and asked the informant why he has lodged the case at the police station against them and started to cause assault to the informant through lathi and iron rod. At that time, Mithu Yadav, son of Vijay Rai (petitioner no.1) caused injury at the head of the informant through the butt of the pistol, due to which he became unconscious. Thereafter, all caused assault to the informant through lathi and moved from there. The informant was rushed to the police station from where he was taken to Referral

Hospital, Bihta. The aforesaid persons also took cash Rs.4200/- from the pocket of the informant.

Learned counsel for the petitioners submits that due to local dirty politics, both the petitioners have falsely been implicated in this case without specifying any overt act. Both the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Danapur, Patna, in connection with Bihta P.S. Case No.336 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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