

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37396 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- ARWAL District- Jehanabad

1. BAJRANGI KUMAR Son of Late Sughan Singh Resident of Village-Khankulipur, P.S.- Arwal, District- Arwal.
2. Mithlesh Singh Son of Late Sri Bhagwan Singh Resident of Village-Khankulipur, P.S.- Arwal, District- Arwal.
3. Bittu Kumar Son of Ravi Kumar Resident of Village- Khankulipur, P.S.- Arwal, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Vide order dated 29.06.2021, passed in the present proceeding, the application in respect of petitioner No. 3 was dismissed as withdrawn.

Learned counsel for the petitioner Nos. 1 and 2 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner Nos. 1 and 2 are apprehending their arrest in a case registered under Sections 147, 148, 149, 354, 324, 307, 504 of the Indian Penal Code and 27 of the Arms Act.



The prosecution allegation, in short, is that the accused persons, variously armed, fired at the informant and his family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner Nos. 1 and 2 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 1 and 2. The petitioner Nos. 1 and 2 have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner Nos. 1 and 2. No specific overt act is alleged against petitioner Nos. 1 and 2. The main allegation of assault is against Nawal Kumar and Nityanand Kumar who are alleged to have fired upon the informant and his wife. 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. 1 and 2 are named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner Nos. 1 and 2, 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



their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 95 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 1 and 2 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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