

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35431 of 2020

Arising Out of PS. Case No.-148 Year-2020 Thana- TARAIIYA District- Saran

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1. VIKASH PRAKASH @ VIKASH PRAKASH SINGH @ DILIP SINGH S/o Ashok Singh Resident of Village-Sareya Basant, Police Station-Taraiya, District-Saran at Chapra.
 2. Prakash Kumar @ Pintu Singh S/o Ashok Singh Resident of Village-Sareya Basant, Police Station-Taraiya, District-Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Prakash
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the informant	:	Mr. Surendra Kishore Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant through virtual mode.

A supplementary affidavit has been filed on behalf of the petitioners. The same be kept on record.

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 and the application in respect of petitioner no. 1 has become infructuous.

Permission is accorded.

The application is dismissed as withdrawn in respect



of petitioner no. 1.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 341, 323, 324, 307, 379, 506, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that while the informant along with his uncle was on the way, the accused persons, variously armed, surrounded them and started assaulting them. On hearing sound, the family members came in rescue were also assaulted.

It has been submitted on behalf of the petitioner no. 2 that there is no allegation of tampering of witnesses alleged against the petitioner no. 2. General and omnibus allegation has been made against the petitioner no. 2. The main allegation of assault is alleged against Rakesh Singh and Madan Singh. There is a case and counter case between the parties. The injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hand.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, above named, in the event of arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned learned A.C.J.M. -1st, Saran at Chapra in connection with Taraiya P.S. Case No. 148 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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