

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34369 of 2020

Arising Out of PS. Case No.-279 Year-2019 Thana- DINARA District- Rohtas

1. Baban Singh son of Mithai Singh resident of village- Bilashpur, P.s.- Dinara, District- Rohtas
2. Lallan Singh son of Mithai Singh resident of village- Bilashpur, P.s.- Dinara, District- Rohtas
3. Manish Kumar son of Lallan Singh resident of village- Bilashpur, P.s.- Dinara, District- Rohtas
4. Ramesh Kumar @ Bibal Singh son of Lallan Singh resident of village- Bilashpur, P.s.- Dinara, District- Rohtas
5. Manoj Singh @ Manoj Kr. Singh son of Indadeo Singh resident of village- Bilashpur, P.s.- Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar Agrawal
For the Opposite Party/s	:	Mr.A.G.
For the informant	:	Mr. Babunandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-03-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners submits that during pendency of this application, the petitioner Nos. 1 & 3 have already been taken into judicial custody while the petitioner No. 2 has died.



Accordingly, this application with regard to petitioner Nos. 1, 2 & 3 is dismissed as withdrawn.

The petitioner Nos. 4 & 5 are apprehending their arrest in a case registered under Sections 341, 323, 504, 447, 379, 324, 307/34 of the Indian Penal Code.

Allegedly, while the informant's father was sitting in front of his door, the accused persons having armed with weapons came there and assaulted informant's father causing fracture injury on his head. It is also alleged that due to assault, the informant's father became senseless. It is further alleged that the accused persons entered the house of informant and took away ornaments worth Rs. 1,00,000/- and cash Rs. 6000/-

It has been submitted on behalf of the petitioner Nos. 4 & 5 that they 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. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is made out. At best the offence under Section 324 of the Indian Penal Code is made out.

On behalf of the State, it is submitted that petitioner Nos. 4 & 5 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the



case, let the petitioner Nos. 4 & 5, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 279 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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