

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34330 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. ROHIT KUMAR son of Shrikushin Sah R/o- village- Rajokhar, P.S. Gopalganj, District- Gopalganj.
 2. Rajan Kumar son of Shrikushin Sah Resident of Village- Rajokhar, P.S. Gopalganj, district- Gopalganj. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

Learned counsel for the petitioner no. 1 is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The petitioner no. 1 is apprehending his arrest in a case registered under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the informant and his family members due to



which they sustained injuries.

It has been submitted on behalf of the petitioner no. 1 that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner no. 1 has falsely been implicated in the present case. The petitioner no. 1 is said to have assaulted with dabh on the left shoulder of the son of the informant. The said injury caused by the petitioner no. 1 is simple in nature. Hence, no offence under section 307 IPC is made out. At best, it is a case for offence under Section 325 IPC.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, 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 Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 201 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Pankaj/-

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(Sudhir Singh, J)

