

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48353 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- BAKHTIYARPUR District- Patna

1. BIRENDRA DAS Son of Late Parmeshwar Das Resident of Village - Simari (Rawaich), P.S. - Bakhtiyarpur, District - Patna
2. Arjun Das Son of Late Parmeshwar Das Resident of Village - Simari (Rawaich), P.S. - Bakhtiyarpur, District - Patna
3. Ram Babu Das @ Ram Balak Das Son of Birendra Das Resident of Village - Simari (Rawaich), P.S. - Bakhtiyarpur, District - Patna
4. Lal Babu Das Son of Birendra Das Resident of Village - Simari (Rawaich), P.S. - Bakhtiyarpur, District - Patna
5. Puttus Das @ Dharampal Das Son of Birendra Das Resident of Village - Simari (Rawaich), P.S. - Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioners and the State.

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

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 5 namely, Puttus Das @ Dharampal Das as during pendency of this application, he has been taken into judicial custody.



Permission is granted.

Accordingly, this application with regard to petitioner No. 5 namely, Puttus Das @ Dharampal Das is dismissed as withdrawn.

The petitioner Nos. 1 to 4 are apprehending their arrest in a case registered for the offence under Sections 147, 341, 323, 325, 308 of the Indian Penal Code.

Allegedly, while some boys were quarreling, the informant tried to intervene and thereafter, the accused persons having lathi, danda started assaulting him as a result of which, he sustained injury.

It has been submitted on behalf of the petitioner Nos. 1 to 4 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. The petitioner Nos. 1 to 4 have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner Nos. 1 to 4. No specific overt act is alleged against the petitioner Nos. 1 to 4. There is case and counter case between the parties. The injury on the side of the accused has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner Nos. 1 to 4 are named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 1 to 4 , above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 12 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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