

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37637 of 2020

Arising Out of PS. Case No.-160 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Bhushan Roy @ Shashi Bhushan Roy son of Dev Narayan Roy Resident of Village - Bhindua, P.S. - Kusheshwar Asthan, District- Darbhanga.
 2. Manoj Roy @ Manoj Kumar Roy Son of Dev Narayan Roy Resident of Village - Bhindua, P.S. - Kusheshwar Asthan, District- Darbhanga.
 3. Ashwani Roy @ Ashwani Kumar Vidyarthi Son of Dev Narayan Roy Resident of Village - Bhindua, P.S. - Kusheshwar Asthan, District- Darbhanga.
 4. Jai Prakash Roy Son of Late Sita Ram Roy Resident of Village - Bhindua, P.S. - Kusheshwar Asthan, District- Darbhanga.
 5. Govind Roy Son of Jai Jai Prakash Roy Resident of Village - Bhindua, P.S. - Kusheshwar Asthan, District- Darbhanga.
 6. Sahdev Roy Son of Late Jagdish Roy Resident of Village - Bhindua, P.S. - Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shama Sinha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2021 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 after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 504 of the Indian Penal Code and 27 of the Arms Act.



Allegedly, during harvesting of the maize crop in the land of the informant by his bataidar, all the accused persons having armed with Lathi, sword, Farsa, iron rod arrived at the disputed land and began hurling abuses on the brother of the informant. The accused side claimed over the land in question and in furtherance thereof, the accused persons assaulted the informant and his family members as a result of which, they sustained injuries.

It has been submitted on behalf of the petitioners that the petitioner Nos. 1, 4, 5 & 6 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The other co-accused with similar allegation have been granted anticipatory bail by a coordinate bench of this court vide order dated 25-06-2021 passed in Cr. Misc. No. 35683 of 2020.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the



case and also the lockdown, let the petitioners, 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 their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 160 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 petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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