

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.207 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- KHIRI MORE District- Patna

1. RAHUL KUMAR S/o Ranjan Mochi Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.
2. VINAY KUMAR S/o Sajjan Mochi Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.
3. RAVI KUMAR Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.
4. RAJU KUMAR S/o Late Suresh Mochi Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.
5. ANUJ KUMAR S/o Sajjan Mochi Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.
6. SURAJ KUMAR S/o Foto Mochi Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.
7. RAJAN MOCHI @ RAJAN NANDAN DAS S/o Late Agnu Mochi Resident of Vill.- Patauna, P.S.- Khiri More, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-11-2021 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The application is dismissed as withdrawn in respect of petitioner no. 2.

Heard learned counsel for the petitioner nos. 1, 3 to 7 and learned APP for the State.



Learned counsel for the petitioner nos. 1, 3 to 7 is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioner nos. 1, 3 to 7 are apprehending their arrest in a case registered under Sections 147, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons came to the house of the informant and assaulted the informant due to which he sustained injury. The accused persons also damaged the articles of the house.

It has been submitted on behalf of the petitioner nos. 1, 3 to 7 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1, 3 to 7. The petitioner nos. 1, 3 to 7 have falsely been implicated in the present case. General and omnibus allegation has been made against petitioner nos. 1, 3 to 7. No specific overt act is alleged against petitioner nos. 1, 3 to 7. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out..



On behalf of the State, it is submitted that the petitioner nos. 1, 3 to 7 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 3 to 7, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Danapur, Patna in connection with Khiri More P.S. Case No. 56 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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