

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38177 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- RAJAON District- Banka

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1. RAM KUMAR THAKUR Son of Baleshwar Thakur Resident of Village - Punsiya, P.S. Rajoun, District - Banka.
 2. BALESHWAR THAKUR Son of Late Saryug Thakur Resident of Village - Punsiya, P.S. Rajoun, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-08-2021 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. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Learned counsel for the petitioner no. 2 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner no. 2 is apprehending his arrest in



Rajoun P.S. Case No. 87/2000 registered under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code pending before learned Chief Judicial Magistrate, Banka.

The prosecution allegation, in short, is that the accused persons assaulted the informant with lathi and danda due to which he sustained injury.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. The allegation of assault made against the petitioner no. 2 is denied. For petty reason, a scuffle had taken place. The petitioner had no intention to commit offence under section 307 IPC.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R. There is specific allegation of assault against the petitioner no. 2 for assaulting the victim with *lathi* and *danda*. The injury report indicates that the injury is caused by hard and blunt substance. The injury report corroborates with the allegation made in the F.I.R.

Considering the same, I am not inclined to grant anticipatory bail to petitioner no. 2. The prayer is rejected. If



the petitioner no. 2 surrenders in the Court below and prays for regular bail, the same shall be considered on its own merit without being prejudice by this order.

(Sudhir Singh, J)

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