

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39533 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. Dau Prasad Singh, (Male), aged about 55 years, S/o Late Jangi Lal Singh, R/o village- Singhiya Buzurg, P.S.- Bibhutipur, District- Samastipur.
2. Lal Babu Kumar @ Deepak Kumar, (Male), aged about 22 years, S/o Dau Prasad Singh, R/o village- Singhiya Buzurg, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Mirityunjay Kumar, Advocate.
For the Opposite Party : Mr. N.N. Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 307, 323/34, 341, 379, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 29.02.2020 at about 9.30 A.M., pup dog of the informant went inside the house of neighbour. After seeing the pup dog, co-accused Azad Kumar having *Lathi* in his hand hit on the head of pup dog of



the informant, whereby, pup dog received head injury and fell down. After hearing pup dog noise, the informant reached at the spot and opposed, accused persons started to abuse and assault him with intention to cause death. Co-accused Lal Babu Kumar hit on the head of the informant with *Farsa*, whereby head of the informant got injured and Dau Prasad Singh (petitioner) attacked with Iron-rod. When the family members of the informant tried to stop them, accused persons also assaulted them. On raising alarm, people from nearby rushed there and saved the informant and admitted in P.H.C. Vibhutipur then referred to D.M.C.H. and treatment is going on.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been 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. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

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



Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.,-IInd, Rosera, Samastipur, in connection with Bibhutipur/Vibhutipur P.S. Case No. 71 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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