

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3766 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- LAXMIPUR District- Jamui

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1. MATHURA YADAV Son of Late Mosaheb Yadav Resident of Village - Ghorparan, P.S.- Laxmipur and, Distt.- Jamui.
 2. Santosh Yadav Son of Mathura Yadav Resident of Village - Ghorparan, P.S.- Laxmipur and, Distt.- Jamui.
 3. Bhola Yadav Son of Ghutter Yadav Resident of Village - Ghorparan, P.S.- Laxmipur and, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Raj
For the Opposite Party/s	:	Mr. N. N. Tiwary, APP
For the Informant	:	Mr. Amrendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2021 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The application is dismissed as withdrawn in respect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 nos. 2 and 3 is
directed to remove the defects, as pointed out by the Office,
within a period of four weeks after restoration of normalcy.



The petitioner nos. 2 and 3 are apprehending their arrest in a case registered under Sections 341, 448, 323, 325, 307, 379, 337, 504, 506 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons entered into the house of the informant and abused her and when she protested, the accused persons assaulted her as also the family members who came in rescue due to which they sustained injuries.

It has been submitted on behalf of the petitioner nos. 2 and 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 and 3. The petitioner nos. 2 and 3 have falsely been implicated in the present case. 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. 2 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioner nos. 2 and 3, 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 their personal bonds to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. Case No. 229/2020, G.R. No. 1703 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 petitioner nos. 2 and 3 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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