

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40802 of 2020

Arising Out of PS. Case No.-155 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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1. Rahul Kumar Son of Mandal Prasad @ Doma Sah Resident of Village - Kalibagh ward no. 04, Police Station - Bettiah Town (Kalibagh O.P.) District- West Champaran.
 2. Suraj Kumar Son of Suresh Mahato Resident of Village - Kalibagh ward no. 04, Police Station - Bettiah Town (Kalibagh O.P.) District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Mohammad Arif, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.1, as
the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is
dismissed as withdrawn.

The petitioner No.2 is apprehending his arrest in



connection with Bettiah Town (Kalibagh O.P.) P.S. case No.155 of 2018 registered under Sections 147, 148, 149, 323, 324, 307, 337 of the Indian Penal Code.

Allegation is that co-accused Rahul Kumar inflicted knife on the head of the informant and caused him head injury. Petitioner caught hold of the nephew of the informant and co-accused Mintu Kumar gave knife blow on the head of his nephew, as a result of which his nephew sustained injury.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 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. General and omnibus allegation has been made. No specific overt act is alleged against the petitioner No.2. The informant has filed a petition in the court below where he has retracted from his earlier statement made in the F.I.R. Said application is Annexure 2 to the present application.

On behalf of the State, it is submitted that the petitioner No.2 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner No.2, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District West Champaran in connection with Bettiah Town (Kalibagh O.P.) P.S. case No.155 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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