

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1406 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- NAUBATPUR District- Patna

1. ARVIND KUMAR SON OF SHRI MISHRI RAI Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
2. HARENDRA KUMAR SON OF LATE MALA RAI Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
3. DHIRAJ KUMAR SON OF RAMANUJ KUMAR Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
4. NITISH KUMAR SON OF RAMANUJ KUMAR Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
5. MISHRI RAI SON OF LATE SHETHA RAI Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
6. PRAVIN KUMAR SON OF SHRI MISHRI RAI Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
7. RAHUL KUMAR SON OF ARVIND RAI Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
8. DHARMENDRA KUMAR SON OF LATE MALA RAI Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.
9. AKSHAY KUMAR SON OF SHRI DHARMENDRA KUMAR Resident of Village - Tilu Tola, P.S.- Naubatpur, Dist.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Dhirendra Kumar Sinha, Advocate
For the State	:	Mr.Rajiv Ranjan, APP
For the informant	:	Mr.Birendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-07-2021 Heard learned counsel for the petitioners, learned APP

for the State and learned counsel for the informant through virtual

mode.

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



from the date of restoration of normalcy.

Counsel for the petitioners submits that during the pendency of the present application, petitioner No.5 has died and hence the application in respect of petitioner No.5 has become infructuous.

The application filed on behalf of petitioner No.5 is dismissed as being infructuous.

The petitioners No.1 to 4 and 6 to 9 are apprehending their arrest in a case registered under Sections 147, 148, 149, 323, 324, 307, 341 of the Indian Penal Code.

Allegation is that the accused persons attacked on the prosecution parties by lathi, danda, sword and inflicted injury on the head of informant's wife, ear of the informant, heads of Hari Shankar Prasad and Krishnandan Yadav.

It has been submitted on behalf of the petitioners No.1 to 4 and 6 to 9 that the petitioners No.1 to 4 and 6 to 9 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners No.1 to 4 and 6 to 9. The petitioners No.1 to 4 and 6 to 9 have falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioners No.1 to 4 and 6 to 9. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with



clean hands.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioners No.1 to 4 and 6 to 9 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners No.1 to 4 and 6 to 9, 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 their personal bond to the satisfaction of learned A.C.J.M.-II, Danapur, Patna in connection with Naubatpur P.S. case No.202 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 petitioners No.1 to 4 and 6 to 9 will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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