

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58263 of 2021

Arising Out of PS. Case No.-160 Year-2021 Thana- DARAUNDA District- Siwan

1. SURESH SAH Son of Trigun Sah Resident of village - Beldari Tola, P.s.- Daraunda, Distt.- Siwan.
2. RAJENDRA KUMAR SAH @ RAJENDRA SAH Son of Trigun Sah Resident of village - Beldari Tola, P.s.- Daraunda, Distt.- Siwan.
3. RAKESH KUMAR SAH @ RAKESH SAH Son of Trigun Sah Resident of village - Beldari Tola, P.s.- Daraunda, Distt.- Siwan.
4. JAI NARAIN KUMAR SAH @ JAI NARAIN SAH Son of Trigun Sah Resident of village - Beldari Tola, P.s.- Daraunda, Distt.- Siwan.
5. VIKAS KUMAR Son of Late Deo Narain Sah Resident of village - Beldari Tola, P.s.- Daraunda, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, 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 Nos.1, 2 and 3, as the petitioner Nos.1, 2 and 3 have been taken into judicial custody.



Permission is accorded.

The application filed on behalf of petitioner Nos.1, 2 and 3 is dismissed as withdrawn.

The petitioner Nos.4 and 5 are apprehending their arrest in connection with Daraunda P.S. case No.160/21 registered under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

Allegation is that the accused persons assaulted the informant and his family members by means of lathi, danda, iron rod and knife, due to which they sustained injuries.

It has been submitted on behalf of the petitioner Nos.4 and 5 that the petitioner Nos.4 and 5 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.4 and 5. The petitioner Nos.4 and 5 have falsely been implicated in the present case. So far petitioner No.4 is concerned, general and omnibus allegation has been made. No specific overt act is alleged against the petitioner No.4. So far petitioner No.5 is concerned, he is alleged to have assaulted the victim Lakhan Sah. From perusal of the injury report of Lakhan Sah, it appears that the final report in respect of the nature of injury has not been received. 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, it is submitted that the petitioner Nos.4 and 5 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.4 and 5, 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 J.M., Siwan in connection with Daraunda P.S. case No.160/21, 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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