

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3103 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

1. RAJKUMAR PRASAD @ RAJKUMAR S/O KARU RAM RESIDENT OF MOHALLA - MATHURIYA, P.S.- LAHERI, DISTRICT - NALANDA.
2. BHOLA PRASAD @ BHOLA KUMAR @ BHOLA RAM S/O KARU RAM RESIDENT OF MOHALLA - MATHURIYA, P.S.- LAHERI, DISTRICT.- NALANDA.
3. SURAJ KUMAR @ SURAJ KUMA S/O RAJ KUMAR RESIDENT OF MOHALLA - MATHURIYA, P.S.- LAHERI, DISTRICT - NALANDA.
4. PRATAP KUMAR SINGH S/O LATE RAM NANDAN PRASAD @ RAM NANDAN RAM SON-IN-LAW OF RAJKUMAR PRASAD, RESIDENT OF VILLAGE AND P.S. - RAHUI, DISTRICT - NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner Nos. 1 & 2 as during pendency of this application, they have been arrested.

Permission is accorded.



This application with regard to petitioner Nos. 1 & 2 is dismissed as withdrawn.

The petitioner Nos. 3 & 4 are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 342, 323, 379, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, at one night, the accused persons having taken wine, came to the house of informant and started abusing. While the informant tried to stop them, they came with lathi, danda and pistol and one accused Chandan @ Rahul started firing through pistol and thereafter he assaulted on the head of informant by butt of the pistol. Golden chain is also said to have been snatched.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioner Nos. 3 & 4. The petitioner Nos. 3 & 4 have been falsely 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. The injury on the side of the accused 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 petitioner Nos. 3 & 4 are named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Laheri P.S. Case No. 117 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 shall 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)

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