

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4705 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. SHRAWAN KUMAR Son of MADAN RAI Resident of Village - Narha, Police Station - Bathnaha, District - Sitamarhi.
2. Rajvir Rai @ Rajgir Rai @ Rajgir Kumar @ Rajvir Kumar Son of Madan Rai Resident of Village - Narha, Police Station - Bathnaha, District - Sitamarhi.
3. Sajan Rai @ Sajan Kumar Son of Madan Rai Resident of Village - Narha, Police Station - Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2021 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 very outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 3 namely Sajan Rai @ Sajan Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.



Accordingly, this application with regard to petitioner No. 3 namely Sajan Rai @ Sajan Kumar is dismissed as withdrawn.

The petitioner Nos. 1 & 2 are apprehending their arrest in a case registered under Sections 341, 323, 307, 354, 379, 504, 506, 34 of the Indian Penal Code.

Allegation against the petitioner No. 1 is of snatching gold chain from informant's neck whereas the petitioner No. 2 is alleged to have assaulted informant's brother-in-law.

It has been submitted on behalf of the Nos. 1 & 2 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They 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 Nos. 1 & 2 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner Nos. 1 & 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 their personal bond to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 69 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. 1 & 2 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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