

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6409 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- PUSA District- Samastipur

1. NAVIN KUMAR @ NAVIN THAKUR Son of Shri Chandradeo Thakur
Resident of Village- Dhubgama, P.S.- Pusa, Distt- Samastipur.
2. Ashmit Kumar @ Dilkhush Kumar Son of Navin Kumar @ Navin Thakur
Resident of Village- Dhubgama, P.S.- Pusa, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 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.

The petitioners are apprehending their arrest in
connection with Pusa P.S. Case No. 42 of 2020 registered for the
offence under Sections 341, 302/34 of the Indian Penal Code.

Prosecution case in short is that while the informant's
husband was engaged in plucking mango from the orchard
behind her house, the accused persons came having armed with
lathi, Danda and assaulted the informant's husband on head as a



result of which, he sustained injuries and in consequence thereof, the informant's husband succumbed to the injuries in course of treatment.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. As per FIR, the petitioners are said to have assaulted the deceased by Lathi and Danda indiscriminately. From perusal of postmortem report, it appears that there is no external injury on the body of the deceased. The postmortem report does not support the allegation made in the FIR. The postmortem report is Annexure-3 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, 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, Samastipur in connection with Pusa P.S. Case No. 42 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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