

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6564 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- BIHTA District- Patna

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1. Ajay Kumar @ Ajay @ Tinku Kumar SON OF RAJ KUMAR @ RAJ KUMAR PRASAD Resident Of Village - Sadisopur,P.S. - Bihta, District - Patna.
 2. BINAY KUMAR @ BINAY @ CHHOTU SON OF SRI SURENDRA PRASAD RESIDENT OF VILLAGE - SAMSARA, SADISOPUR, P.S. - BIHTA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2021 Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard the parties through virtual mode.

At the outset, it is submitted that during pendency of this application, the petitioner No. 1 has already been arrested and hence the present application with regard to petitioner No. 1 has become infructuous.

Accordingly, the present application in respect of petitioner No. 1 is dismissed as withdrawn.



The petitioner No. 2 apprehends arrest in connection with Bihta P.S. Case No. 277 of 2020 registered for the offence under Sections 147, 148, 341, 323, 307, 337, 504, 506 and 325 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in short is that the informant Rajesh Prasad gave his fardbeyan to SHO Bihta P.S. at Hi-tech Hospital, Danapur stating therein that on 17-04-2020 at 9.00 p.m. while he was sitting at his house, then he received message on his mobile that 8-10 outside persons have come at Sadisopur Railway Station and they are asking for their arrangement. The informant has stated that being Mukhiya of Sadisopur Gram Panchayat, he along with his driver Gappu Kumar and his son Raushan reached near Sadisopur station and he parked his vehicle there and they moved at the station, then he was in the light that 25-30 persons were assembled there and they were making commotion and most of them were having lathi, farsa and weapon in their hands. The informant has further stated that when he inquired about those outsiders, then the accused Ajay @ Tinku fired upon him and he sat down to save his life. It is further alleged that the accused leading the mob, ordered Chhotan Verma to kill Mukhiya and when he tried to flee away, he was assaulted by the bamboo, due to which the informant fell



down on the ground. It is also alleged that other accused persons started throwing stones which hit upon his forehead and he got injured and became unconscious.

It has been submitted the petitioner No. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. The petitioner No. 2 has been falsely implicated in the present case. A single blow is alleged to have been given by him. The said injury is said to be simple in nature. 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 No. 2 is named in the FIR.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 2, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate/Successor Court,



Danapur, Patna in connection with Bihta P.S. Case No. 277 of
2020 subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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