

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7414 of 2021

Arising Out of PS. Case No.-266 Year-2020 Thana- MURLIGANJ District- Madhepura

1. SANTOSH KUMAR Son of Ram Kumar Yadav Resident of Village - Rampur, Ward No. -12, Police Station - Murliganj, District - Madhepura.
2. HARISH CHANDRA KUMAR @ SUNIL Son of RAM KUMAR YADAV Resident of Village - Rampur, Ward No. -12, Police Station - Murliganj, District - Madhepura.
3. RAM KUMAR YADAV Son of LATE JAYNATH YADAV Resident of Village - Rampur, Ward No. -12, Police Station - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner No. 1 namely Santosh Kumar as during pendency of this application, he has been taken into custody.

Accordingly, this application with respect to petitioner No. 1 namely Santosh Kumar is dismissed as withdrawn.



The petitioner Nos. 2 & 3 are apprehending their arrest in Murliganj P.S. Case No. 266 of 2020 registered for the offence under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

Allegedly, Jalebi tree planted in the field of the informant was cut away and while objection was raised, the petitioners along with other accused persons assaulted him by means of lathi-danda and Khanti causing fracture injury on the head of informant and in course of occurrence, the gold chain is alleged to have been snatched away.

It has been submitted on behalf of the petitioner Nos. 2 & 3 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. 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. 2 & 3 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 2 & 3, 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, Madhepura in connection with Murliganj P.S. Case No. 266 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. 2 & 3 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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