

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7642 of 2021

Arising Out of PS. Case No.-326 Year-2020 Thana- AMNAUR District- Saran

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1. Lalan Bihari Keshri @ Lal Bahadur Keshri, aged about 50 years, Male, Son of Late Ramji Prasad, Resident of Village - and P.O.- Amnaur Harnarayan, P.s.- Amnaur, Distt.- Chapra, Saran.
 2. Amrendra Narayan Lalan, aged about 54 years, Male, Son of Late Ramji Prasad, Resident of Village - and P.O.- Amnaur Harnarayan, P.s.- Amnaur, Distt.- Chapra, Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Prakash Chandra Jha, Advocate.
For the State	:	Mr. A.G.
For the Informant	:	Mr. Maheshwar Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Lalan Bihari Keshri @ Lal Bahadur Keshri, as he has been taken into judicial custody in connection with Amnaur P.S. Case No. 326/20, pending in the court of learned A.C.J.M.-9th, Chapra.

Permission is accorded.

Accordingly, the present anticipatory bail application



filed on behalf of petitioner no. 1, namely, Lalan Bihari Keshri @ Lal Bahadur Keshri, is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

Now, the petitioner no. 2 is apprehending his arrest in a case for the offence registered under Sections 147, 323, 324, 307, 504 and 506 of the I. P.C.

The prosecution story, in brief, is that on 26.08.2020 at about 7.00 P.M., when the informant was returning from the market after taking vegetable, Amrendra Narayan Lalan (petitioner no. 2), and co-accused Abhishek Kumar Singh @ Tinku, Lal Bihari Keshari, Surendra Prasad Keshav, Vivek Kumar Singh, Kamlawati Sinha, Putul Kumari, Priyanshi Singh, Ankit Kumar and Rahul Kumar came armed with Sword, Lathi and Danda and surrounded him and started abusing. Amrendra Narayan Lalan (petitioner no. 2) ordered to kill him. Upon which, Abhishek Kumar Singh assaulted him with Sword causing head injury. Vivek Kumar assaulted him with Farsa causing head injury. Surendra Mohan Keshav assaulted him with Lathi causing hand injury. When his son, namely, Deelip Kumar, came to rescue him, accused persons also assaulted him.



Thereafter, they entered into the house of the informant and assaulted his family members. His daughter Radha Devi also sustained head injury. The injured were admitted to Amnaur Hospital where from they were referred to P.M.C.H., Patna for their treatment.

It has been submitted by learned counsel for the petitioner no. 2 that he has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 2 above named (except petitioner no. 1, Lalan Bihari Keshri@ Lal Bahadur Keshri), 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 his personal bond to the satisfaction of the learned



A.C.J.M.-9th, Chapra, in connection with Amnaur P.S. Case No. 326/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 2 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only 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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