

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7560 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- HULASGANJ District- Jehanabad

1. Anand Prakash Son Of Kaushlendra Sharma Resident Of Village- Kandaul P.S- Hulasganj District- Jehanabad
2. Gyan Prakash Son Of Kaushalendra Sharma Resident Of Village- Kandaul P.S- Hulasganj District- Jehanabad
3. Shailendra Sharma Son Of Gaya Singh Resident Of Village- Kandaul P.S- Hulasganj District- Jehanabad
4. Santosh Kumar Son Of Gaya Singh Resident Of Village- Kandaul P.S- Hulasganj District- Jehanabad
5. Ramadhin Sharma Son Of Late Ramsharup Singh @ Ramshwarup Singh Resident Of Village- Kandaul P.S- Hulasganj District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Haridayal Kumar, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner Nos.3 and 5, as the petitioner Nos.3 and 5 have been taken into judicial custody.

Permission is accorded.



The application filed on behalf of petitioner Nos.3 and 5 is dismissed as withdrawn.

The petitioner Nos.1, 2 and 4 are apprehending his arrest in connection with Hulasganj P.S. case No.100/2020 registered under Sections 341, 323, 307, 379/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner Nos.1, 2 and 4 assaulted the informant and his family members by means of pasuli, rod and lathi, due to which they sustained injuries.

It has been submitted on behalf of the petitioner Nos.1, 2 and 4 that the petitioner Nos.1, 2 and 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1, 2 and 4. The petitioner Nos.1, 2 and 4 have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The nature of injury is said to be simple. The injuries on the side of the accused persons have 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.1, 2 and 4 are named in the complaint case/F.I.R.



Considering the facts and circumstances of the case, the petitioner Nos.1, 2 and 4, 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 Smt. P. Kumari, Judicial Magistrate, 1st class, Jehanabad in connection with Hulasganj P.S. case No.100/2020 (G.R. No.1343/2020), 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 and 4 will 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)

Narendra/-

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