

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8726 of 2021

Arising Out of PS. Case No.-388 Year-2020 Thana- NAGAR District- Vaishali

1. Rajdeo Singh S/O Late Dhurkhel Singh Resident Of Village-Minapur Kharadi Tola, Ward No. 34, P.S.-HAJIPUR Town, District-Vaishali.
2. Babita Devi W/O Raj Ballabh Singh Resident Of Village-Minapur Kharaditola, Ward No.34, P.S.-HAJIPUR Town, District-Vaishali.
3. Binod Rai S/O Late Sakaldeep Rai Resident Of Village-Minapur, Kharadi Tola, P.S.-HAJIPUR Town, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

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

Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.3, as
the petitioner No.3 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.3 is
dismissed as withdrawn.



The petitioner Nos.1 and 2 are apprehending their arrest in connection with Hajipur Town P.S. case No.388/2020 registered under Sections 147, 148, 323, 341, 324, 325, 504, 506, 427, 354(A), 379 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner Nos.1 and 2 armed with lathi, danda etc entered into the house of the informant and co-accused Shyambabu Singh assaulted the daughter of the informant by means of iron rod, due to which her hand has been broken and co-accused Rajballav Singh assaulted the informant by means of sword, due to which he sustained injury on his right arm and other accused persons assaulted the wife and son of the informant.

It has been submitted on behalf of the petitioner Nos.1 and 2 that the petitioner No.2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1 and 2. The petitioners No.1 and 2 have falsely been implicated in the present case. General and omnibus allegation has been made. Specific allegation of assault is against the co-accused Shyambabu Singh and Rajballav Singh. The petitioner No.2 is a lady. It is a case and counter case between the parties. Free fight is alleged to have taken place. 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 and 2 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.1 and 2, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Hajipur Town P.S. case No.388/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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