

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10165 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- SIDHWALIYA District- Gopalganj

1. Lallan Prasad Son Of Late Bhagrashan Prasad Resident Of Village-Balra,P.S-Sidhwaliya, Dist.-GOPALGANJ
2. Binay Prasad Son Of Late Dudhnath Prasad Resident Of Village-Balra,P.S-Sidhwaliya, Dist.-GOPALGANJ
3. Birendra Prasad Son Of Dudhnath Prasad Resident Of Village-Balra,P.S-Sidhwaliya, Dist.-GOPALGANJ
4. Manjeet Kumar Son Of Lallan Prasad Resident Of Village-Balra,P.S-Sidhwaliya, Dist.-GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Prasad

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioner Nos. 1, 3 and 4 seeks permission of the Court to withdraw this application in respect of petitioner Nos. 1, 3 and 4 as they have been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner Nos. 1, 3 and 4.

Learned counsel for the petitioner No. 2 is directed to



remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner No. 2 is apprehending his arrest in a case registered under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons, variously armed, assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner No. 2 that 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 falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner No. 2. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side 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 F.I.R.

Considering the aforesaid facts and circumstances, the petitioner No. 2, above named, in the event of



arrest/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 learned J.M. 1st Class, Gopalganj in connection with Sidhwalia P.S. Case No. 61/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2 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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