

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10090 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- KUDHNI District- Muzaffarpur

BINOD SAH SON OF LATE BIGAN SAH RESIDENT OF VILLAGE-
KERMA, P.S.- KUDHANI, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Kudhani P.S.
Case No. 301 of 2020 registered under Sections 341, 342, 323,
302, 354(B)/34 of the Indian Penal Code.

Allegedly, in the backdrop of petty feud, an altercation
took place and in consequence thereof, the accused persons
having armed with weapons, assaulted the informant's husband
who sustained injury and in course of treatment, died.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation



of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The petitioner happens to be brother of the deceased. The mother of the deceased has also instituted a case which is Annexure-3 to the present application wherein she has stated that the informant of the present case had assaulted the deceased due to which, the deceased is said to have succumbed to the injuries. Admittedly, there are two contradictory versions of the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, 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 Additional Chief Judicial Magistrate-III, West, Muzaffarpur in connection with Kudhani P.S. Case No. 301 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 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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