

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2036 of 2022

Arising Out of PS. Case No.-412 Year-2021 Thana- WARISLIGANJ District- Nawada

1. SUBHASH KUMAR Son of Vijay Yadav Resident of Village - Sherpur, Balwapar, P.S. Warisaliganj, District - Nawada.
2. Nitish Yadav @ Chhaku Yadav Son of Sanjay Yadav Resident of Village - Sherpur, Balwapar, P.S. Warisaliganj, District - Nawada.
3. Virat Yadav Son of Saral Yadav Resident of Village - Sherpur, Balwapar, P.S. Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-03-2022 Heard learned counsel for the petitioners and the State.

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

Learned counsel for the petitioners submits that though in the first paragraph of the petition, “*Warisliganj P.S. Case No. 412 of 2021*” has rightly been mentioned but inadvertently, in the prayer portion, of the petition, “*Muffasil P.S. Case No. 412 of 2021*” has wrongly been mentioned.

Accordingly, counsel for the petitioners is permitted



to make necessary correction in the prayer portion of the main petition.

The petitioners are apprehending their arrest in Warisaliganj P.S. Case No. 412 of 2021 registered for the offence under Sections 147, 149, 323, 307, 337, 338, 353 of the Indian Penal Code.

Allegedly, some boys were teasing and when the people of vicinity objected, a scuffle took place and in consequence thereof, the accused persons started stone pelting as a result of which, the members of the Puja Committee sustained injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Due to petty reason, stone pelting had taken place. The names of the petitioners have transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. Seventeen known and 10-15 unknown persons have been made accused in



the FIR.

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

Considering the aforesaid facts and circumstances of the case, the petitioners, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Nawada in connection with Warisaliganj P.S. Case No. 412 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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