

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5180 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- BIRAUL District- Darbhanga

1. RAJEEV KHA @ RAJEEV KHAN @ RAJEEV KUMAR KHA @ RAJEEV KUMAR KHAN Son of Sri Govind Kha @ Govind Khan Resident of Village- Patania (Patania Lalpur), P.S.- Biraul, District- Darbhanga.
2. Sonu Kha @ Sonu Khan @ Sonu Kumar Kha @ Sonu Kumar Khan Son of Sri Govind Kha @ Govind Khan Resident of Village- Patania (Patania Lalpur), P.S.- Biraul, District- Darbhanga.
3. Govind Kha @ Govind Khan Son of Late Ram Kha @ Ram Khan @ Ramakant Kha @ Ramakant Khan Resident of Village- Patania (Patania Lalpur), P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioners and learned
APP for 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 seeks permission
of the Court to withdraw the present application in respect of
petitioner nos. 1 and 2 as they have been taken into judicial
custody.

Permission is accorded.



The application is dismissed as withdrawn in respect of petitioner nos. 1 and 2.

The petitioner no. 3 is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons assaulted the son and nephew of the informant due to which they sustained injuries.

It has been submitted on behalf of the petitioner no. 3 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 3. The petitioner no. 3 has falsely been implicated in the present case. 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. 3 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 3, 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



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Darbhanga in connection with Biraul P.S. Case No. 133 of 2021, G.R. No. 371 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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