

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8547 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

1. Prakash Chandra Deo Son Of Umeshwar Lal Deo R/O Of Village -BELA Pohaddi, P.S.- Ghanshyampur, District- Darbhanga
2. Deo Chandra Prasad Son Of Umeshwar Lal Deo R/O Of Village -BELA Pohaddi, P.S.- Ghanshyampur, District- Darbhanga
3. Anand Kumar @ Anand Kumar Deo Son Of Prakash Chandra Deo R/O Of Village -BELA Pohaddi, P.S.- Ghanshyampur, District- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and the learned APP for the State through video conferencing.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 308, 379, 504 and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 06.02.2021 at about 6.00 P.M., the named accused persons including the petitioners, who are his uncle and 2-3 unknown started quarrel with regard to the pension of his grandmother. It is next alleged that when father of



the informant intervened, then all the accused persons assaulted his father, mother and wife with iron rod causing injury on nose and mouth of the informant's father. Further, all the victims were admitted to the hospital. It is next alleged that on 07.02.2021, after acknowledging the occurrence, the informant reached at his home and there seeing him alone, the accused armed with farsa, rod entered into his house and assaulted him on account of which, he sustained injury on his hand and thereafter, they took gold chain.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that admittedly, the petitioners and the informant are related. It is also submitted that dispute is with regard to the pension of the grandmother of the informant. It is next submitted that the informant and his family members are not keeping the mother of petitioner nos.1 and 2 and she stays with them. It is also submitted that from the side of the petitioners also, Ghanshyampur P. S. Case No.35 of 2021 was instituted. It is next submitted that the petitioners got the benefit of Section 41(A) of the Cr.P.C.

The learned Additional Public Prosecutor submits that since petitioners got the benefit of Section 41(A) of the Cr.P.C.,



then petitioners should surrender before the learned trial Court and seek bail.

On this, the learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn.

However, in the event, if the petitioners surrender in the learned trial Court on or before 22.09.2022, then the learned trial Court shall dispose of the regular bail application on the same day keeping in mind that petitioners are persons with clean antecedent, the dispute was a family dispute, petitioners are not criminals and they have not misused the privilege of police bail for which, the law is well settled.

(Satyavrat Verma, J)

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