

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10021 of 2022**

Arising Out of PS. Case No.-162 Year-2021 Thana- NARDIGANJ District- Nawada

SURENDRA KUMAR @ JAY SHANKAR PRASAD Son of Vashudeo
Mahto Resident of Village - Gotrayan , P.s.- Nardiganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 28-04-2022 Heard learned counsel for the petitioner and the State.

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

The petitioner is apprehending his arrest in Nardiganj P.S. Case No. 162 of 2021 registered under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

Prosecution case in short is that the accused persons having armed with weapons, forming unlawful assembly attacked on the house of the informant and in consequence thereof, the informant's right leg became fractured. The other accused persons also assaulted the informant as a result of which, he sustained injury. The petitioner is alleged to have snatched golden chain.

It has been submitted on behalf of the petitioner that 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 of assault has been made against the petitioner. No specific allegation of assault is alleged against the petitioner. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused 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 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction learned Judicial Magistrate-Ist Class, Nawada in connection with Nardiganj P.S. Case No. 162 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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