

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9737 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- WARISLIGANJ District- Nawada

1. RAJBALABH PASWAN Son of Late Ramdhani Paswan Resident of Village - Rasanpur, P.S. - Warisaliganj, District - Nawada.
2. Nandu Paswan son of Late Ramdhani Paswan Resident of Village - Rasanpur, P.S. - Warisaliganj, District - 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.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2022 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 no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

The petitioner no. 1 is apprehending his arrest in a



case registered under Sections 341, 323, 307, 324, 379, 427, 448, 504/34 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons came to the house of the informant and assaulted him and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner no. 1 that there is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against petitioner no. 1. No specific overt act is alleged against petitioner no. 1. 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. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, 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.- II, Nawada in connection with Warisaliganj P.S. Case
No. 273 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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