

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24134 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- BARHIYA District- Lakhisarai

1. SURAJ KUMAR Son of Suli Singh Resident of Village - Garh Lakshmipur, P.S. - Barahiya, District - Lakhisarai.
2. Navin Singh @ Nagina Singh Son of Ramanandi Singh Resident of Village - Garh Lakshmipur, P.S. - Barahiya, District - Lakhisarai.
3. Veena Devi Wife of Suli Singh Resident of Village - Garh Lakshmipur, P.S. - Barahiya, District - Lakhisarai.
4. Nitu Devi Wife of Navin Singh Resident of Village - Garh Lakshmipur, P.S. - Barahiya, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.A.PP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-01-2022 At the outset, it is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 2 has been arrested and, as such, he seeks permission to withdraw this application against petitioner no. 2.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 2.

Now, learned counsel for the petitioner is pressing this application only against petitioner nos. 1, 3 and 4.

This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.



Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Barahiya P.S. Case no. 257 of 2020 instituted for the offence under Sections 147, 148, 149, 448, 307 of the Indian Penal Code and Sections 3 and 4 of the Daain Act.

As per allegation in the FIR,when the informant was in her house with her family members, in the meantime petitioner along with other co-accused entered into her house and assaulted her husband by means of lathi and danda.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. They have got no criminal antecedent. General and omnibus allegations have been levelled against them. The occurrence took place over a petty dispute relating to land.

Learned APP appearing for the State has opposed the prayer of Bail.



Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner nos. 1, 3 and 4 on bail. The petitioner nos. 1, 3 and 4 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Barahiya P.S. Case no. 257 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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