

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24555 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- BIHTA District- Patna

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1. CHANDDEO RAI S/O BHUNESHWAR RAI R/o village- Subhaw Tola, P.S.- Neora (O.P.), District- Patna
 2. Badrinath Rai S/o Bhuneshwar Rai R/o village- Subhaw Tola, P.S.- Neora (O.P.), District- Patna
 3. Dinesh Rai S/o Bhuneshwar Rai R/o village- Subhaw Tola, P.S.- Neora (O.P.), District- Patna
 4. Deepak Kumar @ Deepak Rai S/o Badrinath Rai R/o village- Subhaw Tola, P.S.- Neora (O.P.), District- Patna
 5. Monu Kumar S/o Chanddeo Rai R/o village- Subhaw Tola, P.S.- Neora (O.P.), District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava, Advocate
For the Opposite Party/s : Mr. Md. Anbazarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-03-2022 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 petitioner seeks permission
of the Court to withdraw the present application in respect of
petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.



The application is dismissed as withdrawn in respect of petitioner no. 1.

Vide order dated 15.07.2021 passed in the present proceeding, the application in respect of petitioner Nos. 2 and 4 was already dismissed as withdrawn.

The petitioner Nos. 3 and 5 are apprehending their arrest in a case registered under Sections 341, 323, 379, 354, 504, 506 and 34 of the Indian Penal Code in which Section 302 IPC was added later on.

The prosecution allegation, in short, is that the accused persons including the petitioners assaulted the informant and family members due to which they sustained injuries and later the father of the informant succumbed to the injuries due to which section 302 IPC was added.

It has been submitted on behalf of the petitioner Nos. 3 and 5 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 3 and 5. The petitioner Nos. 3 and 5 have falsely been implicated in the present case. In course of investigation, the statement of the informant was recorded i.e. in paragraph nos. 29 and 31 of the case diary. The said statements are contrary to the statement made in the F.I.R. From the



prosecution case, it is evident that a brick batting had taken place between the parties and in that, the deceased is said to have sustained injury. In course of investigation, it had come that it is a case for an offence under Section 304 IPC. As per subsequent statement of the informant, no specific overt is alleged against the petitioner Nos. 3 and 5.

On behalf of the State, it is submitted that the petitioner Nos. 3 and 5 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 3 and 5, 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur (Patna) in connection with Bihta P.S. Case No. 567 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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