

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29655 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- KISHUNPUR District- Supaul

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1. RAMCHANDRA SAH Son of Late Phagu Sah Resident of Village - Lalganj Bazar, P.S. - Kishanpur, District - Supaul, State - Bihar.
 2. Narayan Sah Son of Late Phagu Sah Resident of Village - Lalganj Bazar, P.S. - Kishanpur, District - Supaul, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-03-2022 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 eight weeks.

Further, learned counsel for the petitioners submits
that in the prayer portion of the present petition, due to
typographical error, P.S. case number has wrongly been typed as
“Kishanpur P.S. case No.19/2021” in place of “Kishanpur P.S.
case No.19/2020.

Let in the prayer portion of the petition, the words
“Kishanpur P.S. case No.19/2021” be corrected to be read as



“Kishanpur P.S. case No.19/2020”.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 447, 448, 307, 324, 354, 504, 34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners abused the informant and co-accused Dipak Sah assaulted the informant by means of farsa, due to which he sustained injury on his head and when the family members of the informant came to save him, the accused persons assaulted them by fists and slaps and petitioner No.1 outraged the modesty of wife of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Specific allegation of assault is against the co-accused Dipak Sah. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. Prosecution has not come with clean hands. The



F.I.R. has been instituted after five days of the alleged occurrence. Delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, 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 bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. case No.19/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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