

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30584 of 2021

Arising Out of PS. Case No.-64 Year-2020 Thana- BALTHAR District- West Champaran

1. MUKESH SAH SON OF BALI SAH R/O VILLAGE- BHAURA, P.S.- BALTHAR, DISTRICT- WEST CHAMPARAN.
2. BALI SAH SON OF DEVNANDAN SAH @ RAGHUNANDAN SAH R/O VILLAGE- BHAURA, P.S.- BALTHAR, DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh
For the Opposite Party/s : Mr. Navin Kumar Pandey, 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 four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 as during pendency of this application, he has died.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in Balthar



P.S. Case No. 64 of 2020 registered under Sections 341, 342, 323, 307, 379, 504/34 of the Indian Penal Code.

Allegedly, in the background of land dispute, the accused persons started abusing the informant. On protest, the accused persons confined the informant in house and started assaulting with Lathi and Fatta and one of the accused started assaulting him on head with iron rod, as a result of which, he sustained bleeding injury.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 1 has been falsely implicated in the present case. The nature of injury is said to be simple. There is case and counter case 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 No. 1 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 1, 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 of learned Additional Chief Judicial Magistrate-IVth, Bettiah, West Champaran in connection with Balthar P.S. Case No. 64 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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