

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35280 of 2021

Arising Out of PS. Case No.-590 Year-2020 Thana- NAUBATPUR District- Patna

1. RATNESH VISHWAKARMA @ RATNESH KUMAR VISHWAKARMA
S/O CHANDSI VISHWAKARMA R/o village- Bisarpur, P.S.- Naubatpur,
District- Patna
2. MITHLESH VISHWAKARMA S/O CHANDSI VISHWAKARMA R/o
village- Bisarpur, P.S.- Naubatpur, District- Patna
3. AMIT VISHWAKARMA S/O CHANDSI VISHWAKARMA R/o village-
Bisarpur, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Ms. Preety Kunwar, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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 to
withdraw the present application on behalf of petitioner No.1,
as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is
dismissed as withdrawn.



The petitioner Nos.2 and 3 are apprehending their arrest in a case registered under Sections 341, 323, 324, 307, 325/34 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioner Nos.2 and 3 assaulted the informant and his brothers by lathi, iron rod, farsa and garasa, due to which they became badly injured and the accused persons also assaulted the nephew of the informant by iron rod, due to which he sustained injury.

It has been submitted on behalf of the petitioner Nos.2 and 3 that the petitioner Nos.2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.2 and 3. The petitioner Nos.2 and 3 have falsely been implicated in the present case. 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. The prosecution has not come with clean hands. There is land dispute between the parties.

On behalf of the State, it is submitted that the petitioner Nos.2 and 3 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case,



the petitioner Nos.2 and 3, 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 Additional Chief Judicial Magistrate II, Danapur in connection with Naubatpur P.S. case No.590 of 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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