

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23734 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- JALALPUR District- Saran

1. UMARAWATI DEVI Wife of Sri Paras Sah Resident of Village - Bishunpura, P.S.- Jalalpur, District - Saran.
2. JYOTI DEVI Daugther of Paras Sah Resident of Village - Bishunpura, P.S.- Jalalpur, District - Saran.
3. NIRAJ SAH Son of Paras Sah Resident of Village - Bishunpura, P.S.- Jalalpur, District - Saran.
4. RAJU KUMAR SAH @ RAJU SAH Son of Paras Sah Resident of Village - Bishunpura, P.S.- Jalalpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

After some arguments, learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.3.

Permission is granted.



Accordingly, the instant application as against petitioner no.3 is dismissed as withdrawn.

However, petitioner no.3 is directed to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

Now, this application is being heard with regard to the rest of the petitioners.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

Allegedly, the petitioners cut a government tree which fell on the berhi of the informant, which was protested by the informant party where upon the petitioners assaulted the family of the informant due to which they sustained injuries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is a case and counter-case between the parties and in the alleged occurrence both sides



sustained injuries. The petitioners and the informant are agnates.
Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since both sides sustained injuries, let the above named petitioner no.1, 2 and 4 be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Jalalpur P.S. Case No.07 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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