

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34907 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- MAHISHI District- Saharsa

1. Dhirendra Singh @ Dhirendra Narayan Singh Son Of Pratap Narayan Singh Resident Of Village- Bahrampur P.S. Mahishi (JALAI) District- Saharsa
2. Jitendra Kumar Singh Son Pratap Narayan Singh Resident Of Village- Bahrampur P.S. Mahishi (JALAI) District- Saharsa
3. Prahlad Kumar Singh @ Amrendra Kumar Singh Son Of Dhirendra Singh @ Dhirendra Narayan Singh Resident Of Village- Bahrampur P.S. Mahishi (JALAI) District- Saharsa
4. Ambika Singh Son Of Rambhajan Singh Resident Of Village Mohanpur Ps Mahishi Jalai District Saharsa
5. Navin Kumar Singh Son Of Ambika Singh Resident Of Village Mohanpur Ps Mahishi Jalai District Saharsa

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, 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.

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 petitioners seeks permission of the Court to withdraw the present application in respect of petitioner nos. 4 and 5 as they have been taken into judicial custody.



Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner nos. 4 and 5.

The petitioner nos. 1 to 3 are apprehending their arrest in a case registered under Sections 341, 323, 324, 307, 354(B), 379, 448, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons entered into the house of the informant and assaulted her due to which she sustained injuries. The accused persons also tried to outrage her modesty and snatched her ornaments.

It has been submitted on behalf of the petitioner nos. 1 to 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 to 3. The petitioner nos. 1 to 3 have falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out. Rest of the offences are triable by the Magistrate.



On behalf of the State, it is submitted that the petitioner nos. 1 to 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 to 3, 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 S.D.J.M., Saharsa in connection with Mahishi (Jalai OP) P.S. Case No. 191 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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