

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25899 of 2022

Arising Out of PS. Case No.-64 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. SANJAY PRASAD @ DR. SANJAY PRASAD S/o Yogendra Prasad R/o village- Balua, P.S.- Maharajganj, Distt.- Siwan
2. Krishna Prasad S/o Inermal Prasad R/o village- Balua, P.S.- Maharajganj, Distt.- Siwan
3. Rahul Kumar S/o Sudarshan Prasad R/o village- Balua, P.S.- Maharajganj, Distt.- Siwan
4. Dharmnath Prasad S/o Ramjanam Prasad R/o village- Balua, P.S.- Maharajganj, Distt.- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Aslam Ansari, Advocate
For the Opposite Party : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioners and learned counsel 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 submits that during pendency of this application, the petitioner No. 1 has already been taken into judicial custody.

Accordingly, this application with regard to petitioner No. 1 stands dismissed as infructuous.



The petitioner Nos. 2, 3 & 4 are apprehending their arrest in a case registered under Sections-147, 148, 149, 323, 307, 332, 353, 337, 338, 504 and 506 of the Indian Penal Code.

Prosecution case in short is that while the informant on the tip off along with other police personnel went to the place of occurrence, the villagers started taunting and provoking the police force. It is further alleged that the villagers with pre-meditated plan, attacked the investigating party with lathi, danda etc. as a result of which, the informant and one Home Guard sustained injury and fell on the ground. The rifle of the prosecution side is also said to have been tried to snatch away.

It is submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioner Nos. 2, 3 & 4. The petitioner Nos. 2, 3 & 4 have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner Nos. 2, 3 & 4. No specific overt act has been alleged against the petitioner Nos. 2, 3 & 4.

Learned counsel for the State submits that the petitioner Nos. 2, 3 & 4 are named in the FIR.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 2, 3 & 4 named above, 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 Chief Judicial Magistrate, Siwan in connection with Maharajganj 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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