

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34808 of 2021

Arising Out of PS. Case No.-365 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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1. RAJESH MUMAR MEHTA @ RAJESH MEHTA Son of Late Kamleshwary Mehta Resident of Village - Kohwara Ram Nagar, P.S.- K. Nagar (Champa Nagar), Distt.- Purnea.
 2. Radhe Shyam Mehta Son of Late Kamleshwary Mehta Resident of Village - Kohwara Ram Nagar, P.S.- K. Nagar (Champa Nagar), Distt.- Purnea.
 3. Udaya Nand Kumar Mehta @ Udaya Nand Mehat @ Rajesh Kumar Son of Rajesh Kmar Mehta @ Rajesh Kumar Resident of Village - Kohwara Ram Nagar, P.S.- K. Nagar (Champa Nagar), Distt.- Purnea.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan 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.

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 no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect



of petitioner no. 1.

The petitioner nos. 2 and 3 are apprehending their arrest in a case registered under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

The prosecution allegation, in short, is that over a property dispute, the accused persons assaulted husband and family members of the informant due to which they sustained injuries.

It has been submitted on behalf of the petitioner nos. 2 and 3 that they 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. The allegation of assault is alleged against petitioner no. 3. So far petitioner no. 2 is concerned, there is no allegation of assault alleged against him. The petitioner no. 2 has been made accused in the present case for oblique reasons.

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

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Nagar (Champa Nagar) P.S. Case No. 365 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner no.3 is concerned, I am not inclined to grant anticipatory bail to the petitioner no. 3. Prayer is rejected. However, if the petitioner no. 3 surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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