

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38604 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Ramesh Sah @ Ramesh Kumar Son of Jagadish Sah Resident of Village - Rampur Dudhpura Ward No. 14, P.S. - Samastipur Muffasil, Distt.- Samastipur.
 2. Jagadish Sah Son of Late Satya Narayan Sah Resident of Village - Rampur Dudhpura Ward No. 14, P.S. - Samastipur Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-04-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 341, 323, 302, 354, 506/34 of the Indian



Penal Code.

Learned counsel for the petitioners seeks permission to withdraw the petition with regard to petitioner No. 2 namely Jagadish Sah since he has been arrested.

Permission is accorded.

Accordingly, the petition with respect to petitioner No. 2 namely Jagadish Sah is dismissed as withdrawn.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the petitioner No. 1 surrounded the informant and her mother-in-law and told them to vacate the land and when her mother-in-law stated that the land belongs to her then it is alleged that on the order of petitioner No. 2 namely Jagdish Sah, co-accused Suraj Kumar assaulted with *khanti* on the head of the mother-in-law of the informant as a result of which she fell on the ground and became unconscious. It is alleged against petitioner No. 1 that



she pull down the sari of the informant as a result of which she got naked. The mother-in-law of the informant subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the specific accusation of making assault to the deceased is against co-accused Suraj Kumar. There is general and omnibus allegation against petitioner No. 1. A statement has been made in para 3 of the petition that petitioner No. 1 has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 120 of 2021, subject



to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Sunil Kumar Panwar, J)

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