

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44173 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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1. RAJENDRA SAH Son of Late Bhup Narayan Sah Resident of Khokha, P.S. - K. Nagar (Sri Nagar), District - Purnea
 2. Sushila Devi Wife of Rajendra Sah Resident of Khokha, P.S. - K. Nagar (Sri Nagar), District - Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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 submits that
inadvertently in the prayer portion of the anticipatory bail
petition, K. Nagar P.S. Case No. 288 of 2020 has been wrongly
typed in place of K. Nagar P.S. Case No. 169 of 2021.

Let the words “K. Nagar P.S. Case No. 288 of 2020 “
typed in prayer portion of the anticipatory bail petition be
corrected to be read as “K. Nagar P.S. Case No. 169 of 2021”.



A supplementary affidavit has been filed on behalf of the petitioners bringing on record the injury record. The same be kept on record.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons including the petitioners assaulted the brother of the informant due to which he sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners 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. Except for Section 307 IPC, rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners, 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 Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 169 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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