

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50350 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- SANJHOLI District- Rohtas

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1. RASGULA RAM S/O Surendra Ram Resident of Village - Sanjhauli, P.S. Sanjhauli, Dist. Rohtas.
 2. Manish Kumar S/O Virendra Ram Resident of Village - Sanjhauli, P.S. Sanjhauli, Dist. Rohtas.
 3. Bijay Ram S/O Chunmun Ram Resident of Village - Sanjhauli, P.S. Sanjhauli, Dist. Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioners and 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 seeks permission to withdraw this application with regard to petitioner Nos. 2 & 3 as during pendency of this application, they have been taken into judicial custody.

Permission is granted.

Accordingly, this application filed with regard to



petitioner Nos. 2 & 3 is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in Sanjhauli P.S. Case No. 07 of 2021 registered under Sections 341, 323, 504, 308 of the Indian Penal Code.

Prosecution case in short is that one Surendra Ram was assaulting and abusing in filthy language to Shiv Shankar Ram due to previous enmity. On alarm, when the informant and others came to rescue, then Surendra Ram and Rasgula Ram having Farsa in their hands, Manish Kumar having Bhala and Vijay Ram having Bamboo in their hands started assaulting them and in course of the occurrence, the informant sustained injury on his left hand whereas informant's brother also sustained injury.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 1 has been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner



No. 1 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 1, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Sanjhauli P.S. Case No. 07 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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