

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53429 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- IMAMGANJ District- Gaya

1. Surendra Mistri Son Of Ganauri Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
2. Ram Jatan Mistri Son Of Devki Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
3. Krishna Mistri Son Of Devki Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
4. Laxman Mistri Son Of Devki Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
5. Prem Mistri Son Of Laxman Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
6. Binod Mistri Son Of Laxman Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
7. Umesh Mistri Son Of Laxman Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
8. Anuj Mistri Son Of Ratan Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
9. Deepu Mistri Son Of Yugendra Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
10. Manish Mistri Son Of Ratan Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
11. Birendra Mistri Son Of Krishna Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
12. Sunil Mistri Son Of Krishna Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
13. Dharmendra Mistri Son Of Ramjatan Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya
14. Guddu Mistri Son Of Prem Mistri Resident Of Village- Dubahal, P.S- Imamganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER



2 31-03-2022 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 to withdraw the present application on behalf of petitioner Nos.2 and 7, as the petitioner No.2 and 7 have been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner Nos.2 and 7 is dismissed as withdrawn.

The petitioner Nos.1, 3 to 6 and 8 to 14 are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner Nos.1, 3 to 6 and 8 to 14 having deadly weapons in their hands came and abused the informant. When Rohit Mistri objected, petitioner No.1 and co-accused Yogendra Mistri assaulted him by garasa and sword causing brutal injury on right side of his chest. The informant, Dinesh Mistri, Vinay Mistri and Kamlesh Mistri came to rescue Rohit Mistri, the



accused persons assaulted them with garasa, due to which they sustained injuries.

It has been submitted on behalf of the petitioner Nos.1, 3 to 6 and 8 to 14 that the petitioner Nos.1, 3 to 6 and 8 to 14 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1, 3 to 6 and 8 to 14. The petitioner Nos.1, 3 to 6 and 8 to 14 have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have 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 Nos.1, 3 to 6 and 8 to 14 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.1, 3 to 6 and 8 to 14, 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 bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Sunil Kumar Singh, Judicial



Magistrate, 1st class, Sherghati, District Gaya in connection with
Imamganj P.S. case No.101/2021, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

Narendra/-

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