

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52758 of 2021

Arising Out of PS. Case No.-150 Year-2021 Thana- AAJAM NAGAR District- Katihar

1. BIMAL SINGH SON OF PANCHANAND SINGH R/O VILLAGE- KAMLA BARI, P.S.- AZAMNAGAR (SALMARI O.P.), DISTRICT- KATIHAR
2. ARCHANA DEVI WIFE OF BIMAL SINGH R/O VILLAGE- KAMLA BARI, P.S.- AZAMNAGAR (SALMARI O.P.), DISTRICT- KATIHAR
3. PANCHANAND SINGH SON OF LATE MAHABIR SINGH R/O VILLAGE- KAMLA BARI, P.S.- AZAMNAGAR (SALMARI O.P.), DISTRICT- KATIHAR
4. BHAWESH SINGH SON OF MAMLAT SINGH R/O VILLAGE- KAMLA BARI, P.S.- AZAMNAGAR (SALMARI O.P.), DISTRICT- KATIHAR

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

At the very outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner nos. 1 & 3 submitting that during pendency of this application petitioner nos.1 & 3 have already been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn with regard to petitioner nos.1 & 3.



Now, this application survives for petitioner nos.2 & 4 only.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504 & 506/34 of the Indian Penal Code.

All the F.I.R. named accused including these petitioners are said to have entered into the courtyard of the informant and started abusing him and his family members. When the wife of the informant forbade to do so she was assaulted by means of lathi on her head sustaining head injury.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, there is long standing dispute between the parties. The present FIR has been lodged as a counter blast of Azamnagar (Slamari O.P.) P.S.



Case No.152/21 lodged by the uncle of petitioner no.1 against the informant. The injury sustained by the wife of the informant is simple in nature. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.2 & 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Azamnagar (Salmari OP) P.S. Case No.150/21, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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