

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55801 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- TURKAULIYA District- East
Champaran

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1. Rakesh Sah S/O Late Amar Sah Resident Of Village- Belwa Rai Pethiya Tola, P.S. Turkauliya, District- East Champaran
 2. Bhagirath Sah S/O Late Dhanai Sah Resident Of Village- Belwa Rai Pethiya Tola, P.S. Turkauliya, District- East Champaran
 3. Sagar Sah S/O Late Dhanai Sah Resident Of Village- Belwa Rai Pethiya Tola, P.S. Turkauliya, District- East Champaran
 4. Sital Sah S/O Late Dhanai Sah Resident Of Village- Belwa Rai Pethiya Tola, P.S. Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioners submits that during pendency of this application, petitioner no. 1 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 1

Heard learned counsel for the petitioners, informant and learned Additional Public Prosecutor for the State for consideration of bail with regard to rest of the petitioners.

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

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354, 379, 504 and 34 of the Indian Penal Code.

Petitioners are said to have assaulted the informant and his nephew by means of lathi, garasa resultantly they received injury.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is case and counter case in between the parties and on account of land dispute, alleged occurrence took place on spur of the moment. He submits that there is no specific allegation against the petitioner nos. 2 and 4. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the fact that there is no specific allegation against the petitioner nos. 2 and 4, let the above named petitioner nos. 2 and 4 in the event of their arrest or surrender before the learned Court below within a period of six

weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Turkauliya P.S. Case No. 156 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no. 3 is concerned, there is specific allegation against petitioner no. 3, I am not inclined to enlarge the petitioner no. 3 on anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected in connection with the aforesaid case.

(Anjani Kumar Sharan, J)

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