

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60556 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. BRAJESH KUMAR Son of Parmanand Rai Resident of Village - Kursaha, P.s.- Mohiuddin Nagar, Distt.- Samastipur.
 2. Rajesh Kumar Son of Parmanand Rai Resident of Village - Kursaha, P.s.- Mohiuddin Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2022 After some arguments, learned counsel for the petitioner seeks permission to withdraw this application against petitioner no. 1.

Permission is accorded.

This application is dismissed as withdrawn against petitioner no. 1.

So far as petitioner no.2 is concerned the instant application for anticipatory bail has been filed by him apprehending his arrest in connection with Mohiuddinnagar P.S. Case no. 102 of 2020 instituted for the offence under Sections 147, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.



As per allegation in the FIR, several accused persons including the petitioner armed with deadly weapons came to the house of the informant and started to breaking the bricks. When informant's father opposed them to do so, he was fisted and slapped by them resulting into fracture of his left hand. When the informant came there to save his father, he was also assaulted by them.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Specific allegation of assault is against co-accused Brajesh who has inflicted knife blow upon the informant. Both parties are next door neighbour. There was free fight between the parties for which there is case and counter case. Both parties have sustained injuries in the alleged incident.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 2 on bail. The petitioner no. 2 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mohiuddinnagar P.S. Case



no. 102 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, 4th, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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