

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69145 of 2021**

Arising Out of PS. Case No.-706 Year-2021 Thana- BANKA District- Banka

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1. KUNDAN SINGH @ KUNDAN KUMAR SINGH Son of Prafull Singh @ Prafull Kumar Singh Resident of Village - Gelanhu, P.S. and Distt.- Banka.
 2. Prafull Singh @ Prafull Kumar Singh Son of Ramavtar Singh Resident of Village - Gelanhu, P.S. and Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr.Ajay Kumar Jha
Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. Shailendra Kumar, the learned Additional Public Prosecutor for the State.

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 2 has been arrested, as such, this criminal miscellaneous petition has become infructuous with respect to petitioner no. 2. He, therefore, seeks permission to withdraw this petition with



respect to petitioner no.2.

In view of above submission, **this criminal miscellaneous petition is dismissed as withdrawn with respect to petitioner no. 2.**

So far as **petitioner no. 1 is concerned**, he apprehends his arrest in connection with Banka P.S. Case No. 706 of 2021 registered for offence punishable under sections 341, 342, 323, 324, 307, 379/34 of the Indian Penal Code.

The specific allegation against petitioner no. 1 is that he inflicted *farsa* blow at the neck of Prem Shankar Singh which hit at the head of Prem Shankar Singh.

The learned counsel for the petitioners has submitted that there is case and counter case. The petitioners have also been assaulted by the members of prosecution side and they have sustained injuries.

Mr. Shailendra Kumar, the learned APP has opposed the prayer for bail.

The injured Prem Shankar Singh has received grievous injury, which is specifically attributed against petitioner no. 1.

In my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.



If the petitioners surrender before the court below and file regular bail petition, that shall be disposed of without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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