

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71453 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- SURYAPURA District- Rohtas

1. MANTU PRASAD S/o Late Mahendra Prasad R/o- Vill- Amapokhar, P.S.- Suryapura, Distt. - Rohtas.
2. Anis Prasad S/o Sudama Prasad R/o- Vill- Amapokhar, P.S.- Suryapura, Distt. - Rohtas.
3. Bittu Prasad S/o Sudama Prasad R/o- Vill- Amapokhar, P.S.- Suryapura, Distt. - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2022 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.

Further, learned Counsel for the petitioners seeks
permission to withdraw the present application on behalf of
petitioner No.2, as the petitioner No.2 has been taken into
judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is



dismissed as withdrawn.

The petitioner Nos.1 and 3 are apprehending their arrest in a case registered under Sections 147, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that petitioner No.1 and co-accused assaulted the informant by lathi and danda and when Arvind Dubey, brother of the informant, came to save, then co-accused Ranjit Prasad assaulted him with lathi on his head, due to which he sustained injury and when the family members of informant came to save, then petitioner No.3 and co-accused Anis Prasad and Sudama Prasad started assaulting them and petitioner No.1 made firing and the informant managed to flee away but his brother Arvind Dubey became unconscious.

It has been submitted on behalf of the petitioner Nos.1 and 3 that the petitioner No.3 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1 and 3. The petitioner Nos.1 and 3 have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner Nos.1 and 3. 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.
Prosecution has not come with clean hands.

On behalf of the State, it is submitted that the
petitioner Nos.1 and 3 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case,
the petitioner Nos.1 and 3, 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 A.C.J.M. 1, Rohtash, Sasaram in connection with
Suryapura P.S. case No.70/2021, 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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