

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1227 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- JAMUI District- Jamui

-
1. MITHILESH SAO SON OF LATE BABULAL SAO, R/o village- Baladih, P.S.- Jamui, District- Jamui
 2. RAJESH KUMAR SAO @ RAJESH KUMAR S/O KISHORI SAO @ KISHORI SAV, R/o village- Baladih, P.S.- Jamui, District- Jamui
 3. MUKESH SAO @ MUKESH KUMAR SAO S/O SHANKER SAO, R/o village- Baladih, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

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

ORAL ORDER

2 03-08-2022 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. J.N. Thakur, the Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners has submitted that petitioner no. 3 has been arrested and as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this bail petition with respect to petitioner no. 3.



In view of the above submission, **this petition is dismissed as withdrawn with respect to petitioner no. 3.**

So far as petitioner nos. 1 to 2 are concerned, they apprehend their arrest in connection with Jamui P.S. Case No.320 of 2021 registered for offence punishable under sections 147, 148, 149, 341, 323, 324, 325, 307, 447, 427 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation, the ten named accused persons, including the petitioners entered into the house of the informant. The allegation against petitioner no. 2 is that he assaulted on the head of the informant's father with axe. When informant's mother came to rescue the father of the informant then co-accused Kanhaiya Sah assaulted on her head with lathi. Co-accused Kailash Sah assaulted informant's mother with iron rod and co-accused Mithlesh Sah assaulted her with lathi.

The learned counsel for the petitioners has submitted that the injuries suffered by father of the informant are simple in nature and the petitioners are the persons of clean antecedent.

On the other hand, the learned APP has opposed the prayer for bail.

The mother of the informant sustained grievous injury and the assailant is petitioner no. 1, as such, he is not



entitled for anticipatory bail. **Accordingly, the prayer for anticipatory bail with respect to petitioner no. 1 is rejected.**

So far as petitioner nos. 2 is concerned, his prayer for anticipatory bail is allowed. Let **petitioner no. 2**, in the event of his arrest or surrender, within four weeks from today, is **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 320 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

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)

Mahesh/-

U		T	
---	--	---	--

