

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28078 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- GARKHA District- Saran

1. SHAILESH SINGH S/O LATE RAJDEO SINGH R/O Village- Itwan, P.S- Garkha, Distt.- Saran at Chapra.
2. Tara Devi W/O Shailesh Singh R/O Village- Itwan, P.S- Garkha, Distt.- Saran at Chapra.
3. Hira Singh S/O Late Jagat Singh R/O Village- Itwan, P.S- Garkha, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-07-2023 Heard the parties.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application only with regard to petitioner no.1 as he has been arrested during pendency of this application.

3. Permission is granted.

4. Accordingly, this application with regard to petitioner no.1 is dismissed as withdrawn.

5. Now, it is being heard only with regard to petitioner nos.2 and 3.

6. The petitioners apprehend their arrest in a case



registered for the offence punishable u/s 323, 324, 307, 354(B), 376, 511, 379, 504, 506 of the IPC and 27 of the Arms Act.

7. As per the prosecution case, petitioner nos.2 and 3 caught hold of the husband of the informant and petitioner no.3 is also alleged to have given order, after which, one Sanjay Singh given knife blow to the informant.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation to assault the informant by a knife blow is against the co-accused Sanjay Singh. Petitioners have no criminal antecedent.

9. Learned APP for the State opposed the prayer for bail.

10. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner nos.2 and 3, let them, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Garkha P.S. Case No.567 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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