

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69279 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- FATUA District- Patna

1. JITENDRA DAS S/O MOHIT DAS Resident of Village- Maksudpur, P.S.- Fatuha, District- Patna.
2. SANJEET DAS @ SANJEET KUMAR S/O SHOBIT DAS Resident of Village- Maksudpur, P.S.- Fatuha, District- Patna.
3. SANJAY DAS S/O MOTHIT DAS Resident of Village- Maksudpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel appearing on behalf of the parties.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail petition, as against petitioner No.3, namely, Sanjay Das, as he has already arrested, during pendency of this bail petition.

Permission is accorded.

Accordingly, the present bail petition, as against petitioner No.3, namely, Sanjay Das, is dismissed as withdrawn having become infructuous.

Now the present anticipatory bail petition is limited to



petitioner No.1, namely, Jitendra Das and petitioner No.2, namely, Sanjeet Das @ Sanjeet Kumar.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Fatuha P.S. Case No. 253 of 2022 registered for the offences punishable under Sections 341, 323, 325, 354B, 504 and 506/34 of the Indian Penal Code.

The allegation against both petitioners is to assault informant and others, causing bodily injuries and also to outrage modesty of female members of family, where, the occurrence is founded over land dispute.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where, both parties received injuries and for the same set of occurrence, a counter case was also lodged as Fatuha P.S. Case No. 245 of 2022, which was registered by petitioners side. It is submitted that injury report is yet to received, in this matter, even after 6 months of the occurrence. While concluding the argument, it is pointed out that both petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case, as occurrence is appearing free fight in nature, where,



injuries not yet available, let petitioner No.1, namely, Jitendra Das and petitioner No.2, namely, Sanjeet Das @ Sanjeet Kumar, in the event of their arrest or surrender before learned court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Patna City, Patna/concerned Court, where the case is pending in connection with Fatuha P.S. Case No. 253 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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