

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71767 of 2022

Arising Out of PS. Case No.-267 Year-2022 Thana- SAHPUR District- Patna

1. PAPPU CHAURASIYA @ PAPPU KUMAR MANDAL Son of Bharat Chaurasiya R/o Maner, P.S.- Maner, District- Patna
2. TARKESHWAR KUMAR Son of Mahesh Ray @ Anup Ray R/o- Jhori Tola Krishi Farm, Danapur, P.S.- Shahpur, Dist- Patna
3. GUDDU KUMAR Son of Hawaldar Ray R/o- Jhori Tola Krishi Farm, Danapur, P.S.- Shahpur, Dist- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam
For the Opposite Party/s : Ms.Sucheta Yadav

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

ORAL ORDER

2 09-01-2023 Heard the learned counsel for the petitioners as well as
Ms. Sucheta Yadav, the learned APP for the State.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 1 has been arrested, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this criminal miscellaneous petition with respect to petitioner no.1.

Permission is accorded and **this petition is dismissed as withdrawn with respect to petitioner no. 1.**

So far as petitioner nos. 2 and 3 are concerned, they



apprehend their arrest in connection with Shahpur P.S. Case No.267 of 2022 registered for offence punishable under sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

As per allegation, when the informant Dheej Kumar was going to attend a marriage ceremony by his motor cycle along with his friend Aryan Raj, four named accused persons and two unknown persons intercepted his bike and they badly assaulted them. There is specific allegation against petitioner No. 1 of inflicting assault with butt of the pistol at the jaw of the informant and petitioner no. 3 assaulted Aryan Raj with iron rod and made him injured.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated. There is specific allegation against Guddu Kumar to assault Aryan Raj, but he sustained simply injury. He has submitted further that though the informant Dheeraj Kumar sustained grievous injury, but the medical report is of private institute and not of the government hospital. He has also submitted that the specific allegation to assault the informant Dheeraj Kumar is on Pappu Chaurasiya, petitioner no. 1, whose anticipatory bail petition has been dismissed as withdrawn.



On the other hand, the learned APP has opposed the prayer for bail and submitted that the accused persons assaulted the members of prosecution side and made them grievously injured.

Considering the above-mentioned facts and circumstances, let **petitioner nos. 2 and 3** in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Danapur, Patna in connection with Shahpur P.S. Case No. 267 of 2022, subject to condition as laid down under section 438(2) Cr. P.C.

(Nawneet Kumar Pandey, J)

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