

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34324 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -NARPATGANJ District- ARRARIA

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1. Sukdeo Pd. Singh @ Sukhdeo Prasad Singh
 2. Mukti Narayan Singh S/on late Yogdhar Prasad Singh
 3. Pramod Kumar Singh
 4. Shambhu Kumar Singh
 5. Om Prakash Singh
 6. Pankaj kumar Singh
 - All sons of Sukhdeo Pd. Singh
 7. Lalit Kumar Singh
 8. Bipin Kumar Singh
 9. Pawan Kumar Singh
 - All sons of Mukti Narayan Singh
 10. Pradeep Kumar Singh, S/o Shiv Narayan Singh
 11. Birbal Kumar Singh, S/o Sant Kumar Singh
 12. Nawal Yadav@Newal Yadav S/o Hardeo Yadav
 13. Rinku Yadav, S/o Ramchandra Yadav
 14. Mithun Kumar Yadav, S/o Ram Chandra Yadav
 15. Mahendra Yadav, S/o late Jhari Yadav
 16. Rajesh Yadav S/o Bindeshwari Yadav
 17. Ramanand Yadav S/o late Dev Narayan Yadav
 18. Harideo Yadav@Hardeo Yadav, S/o late Jhari Yadav
 19. Mukesh Yadav S/o Tejo Yadav
 20. Gajendra Yadav S/o late Budhu Yadav
 21. Kundan Kumar Singh S/o Binod Kumar Singh
 - All are resident of Village - Mirdaul, P.s Narpatganj, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-09-2015

Heard learned counsels for the petitioners, informant
and the State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under Sections 147, 148,

149, 341, 323, 324, 325, 326, 307, 427, 452, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the informant's side were going to immerse the idol in a canal, in the mean time, the accused persons variously armed surrounded the informant and others and in the background of land dispute petitioner no.1 Sukhdeo Prasad Singh made 4-5 rounds firing and on his order petitioner no.10 Pradeep Kumar Singh assaulted with 'farsa' on the head of the informant and snatched a gold chain from his neck when brother of the informant namely, Shailendra Yadav came to rescue he was assaulted by petitioner no.3 Pramod Kumar Singh with sword whereas petitioner no.6 Pankaj Kumar Singh caused injury to Nitesh Kumar with sharp cutting weapon. Though, it is alleged that petitioner no.20 Gajendra Yadav snatched a wrist watch and took out Rs.7000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. For the occurrence of 17.02.2015, the complaint was filed on 20.02.2015 which came to be registered as police case on 28.02.2015 whereas the petitioners' side lodged Narpatganj P.S. Case No. 66 of 2015 on 17.02.2015 against informant's side levelling accusation under sections 147, 148, 149, 351, 323, 324,



307, 379, 427 and 504 of the Indian Penal Code. Though supplementary injury reports issued by the private doctor on the basis of reports of Sanjeevani CT Scan Centre have been brought on record by way of supplementary affidavit, which suggest petitioner no.16 Rajesh Yadav received fracture injury on left parietal bone which is grievous in nature and Shailendra Yadav brother of the informant also received fracture injury on left parietal bone of skull whereas the doctor opined about the injured Jitesh Kumar that he received fracture of 10th rib on right side. The CT Scan reports of Sanjeevani CT Scan Centre have also been brought on record by way of annexure-2 series to the supplementary affidavit, which suggest as "No significant abnormality detected". Hence, it is submitted that the private doctor has given absolutely spurious injury reports and from the petitioners' side 11 persons have also received injuries though the same have been found to be simple.

Learned counsel for the informant submits that against petitioner nos. 3, 6 and 10 there is specific accusation of making assault with sharp cutting weapon.

Considering the spurious injury reports of the informant side issued by the private doctor and there is counter version of the occurrence when petitioners' side lodged the case on the date of occurrence

whereas the informant side lodged the complaint after three days of the occurrence, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Narpatganj P.S. Case No.77 of 2015 in connection with learned Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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