

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48823 of 2014

Arising Out of PS.Case No. -229 Year- 2014 Thana -BANIAPUR District- SARAN

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1. Kameshwar Singh son of Late Bhaw Nath Singh
 2. Munna Singh @ Abhay Kumar Singh son of Kameshwar Singh
 3. Ravi Singh son of Kameshwar Singh
 4. Nirbhay Singh @ Nirbhay Kumar Singh @ Bhola Singh son of Kameshwar Singh

All R/o vill- Sohail, P.S.- Baniyapur, District- Saran... Petitioners
Versus

The State of Bihar..... Opposite Party
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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-04-2015 Heard learned counsel for the petitioner nos. 2 to 4
and learned counsel representing the State.

Petitioner nos. 2 to 4 apprehend their arrest in connection with Baniyapur P.S. Case No. 229 of 2014 registered for the offences punishable under Sections 147, 149, 323, 325, 307, 379 of the Indian Penal Code as prayer for pre-arrest bail of petitioner no. 1 has already been dismissed as infructuous vide order dated 19.03.2015.

All the FIR named accused persons having lathi, danda and iron rod surrounded the informant when he was going on his motorcycle. Kameshwar Singh gave order to kill him on which Rabindra Singh @ Raju assaulted him with pistol on his mouth due to which his three teeth and lower jaw broke. The



petitioner Ravi Singh gave rod blow causing injury on the head then informant fell down and Munna Singh and the petitioner Nirbhay Singh started assaulting him with lathi-danda indiscriminately on his hand and mouth, resulting his left hand fractured and in the mean time Rabindra Singh took out Rs. 7,000/- from the dickey, petitioner Ravi Singh snatched his gold chain. On alarm being raised, persons assembled there and carried him to Baniyapur Primary Health Centre from where the informant was referred to Sadar Hospital, Chapra.

Submission is of false implication and that daughter of Rabindra Singh has filed Complaint Case No. 2953 of 2014 against the informant and others and in retaliation this case has been filed by the informant. Kameshwar Singh being the headmaster of the High School has made complaint against father of the informant that he was constructing his house by encroaching some portions of land of the school and further an informatory petition was also filed by Kameshwar Singh. There is no allegation of repeating the blow and the injury report shows that there is no injury on the head of the informant and as such no case under Section 307 of the Indian Penal Code is made out and the allegation of theft is supper addition.

Learned APP duly assisted by the learned counsel

for the informant opposes the prayer of pre-arrest bail.

Considering that there is old enmity and series of cases are pending in between the parties, the petitioner nos. 2, 3 and 4 above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, J. M. Ist Class, Saran at Chapra in connection with Baniyapur P.S. Case No. 229 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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