

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50133 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -GURARU District- GAYA

1. Pankaj Singh son of Birendra Singh
2. Samsher Singh son of Sarjun Singh
3. Ranjeet Singh son of Sarjun Singh
4. Vansh Singh son of Late Inder Singh @ Inderdeo Singh
5. Durgesh Singh son of Uday Singh All residents of village - Sarewa, P.S. Guraru, District - Gaya. Petitioners

Versus

1. The State of Bihar. Opposite Party

with

Criminal Miscellaneous No.50647 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -GURARU District- GAYA

1. Neeraj Singh son of Late Tarni Singh
2. Rupesh Singh @ Karu Singh son of Late Kamlesh Singh.
3. Ammet Singh son of Sarjun Singh. All resident of village- Sarewa, P.S. Guraru, District- Gaya. Petitioners

Versus

1. The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.50133 of 2015)

For the Petitioner/s : Mr. Krishna Pd. Singh, Advocate
Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)
(In Cr.Misc. No.50647 of 2015)

For the Petitioner/s : Mr. Krishna Pd. Singh, Advocate
Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

3 17-12-2015

Heard learned counsel for the petitioners and the State.

Both these applications are taken up together for disposal.

The petitioners apprehend their arrest in case under sections 307 and other allied sections of the Indian Penal Code and section 27 of the Arms Act as well as Section 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is alleged that about 61 persons abused the informant by calling his caste name. It further alleged that all of them committed *marpit* with him and his son Sashi Kant Kumar @ Guddu Kumar.

Learned counsel for the petitioners submits that there is specific allegation against co-accused Karu Singh of having assaulted the informant but the injuries sustained by him is simple one and in such situation it cannot be said that as to who had called him by caste name. There is a case and counter case and both sides have sustained injuries.

Having regard to the facts and circumstances of the case, these applications are disposed with the following directions:

i) The petitioners would surrender in the court below within four weeks from today and on their surrendering, the learned Chief Judicial Magistrate, Gaya would release them on bail on furnishing bail bonds to his satisfaction;

ii) The petitioners would also file an affidavit that they would maintain good behaviour and would not misbehave with the informant;

iii) In case the petitioners misuse the privilege of bail, it would be open for the informant to file a petition for cancellation of their bail bonds.

(Samarendra Pratap Singh, J)

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