

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13033 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MASRAKH District- SARAN

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1. Ram Adhar Singh @ Ramadhar Singh, Son of Late Laxmi Singh.
 2. Bikesh Kumar @ Vikesh Kumar @ Vikesh Kumar Singh Son of Sri Shyam Narayan Singh.
 3. Bikki Kumar @ Loutan @ Vikki Kumar Son of Syam Narayan Singh
 4. Vikash Kumar @ Vikash Kumar @ Bikash Kumar Singh Son of Ram Adhar Singh
 5. Brijesh Kumar @ Brajesh Kumar Son of Ram Adhar Singh All are resident of Village- Masharak Purab Tola P.S.- Masharak, District- Saran at Chapra.
 6. Bittu Kumar @ Bittu Kumar Singh S/o Binod Singh resident of Village Kanhauli, P.S.- Basantpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan
for the Informant	;	Mr. Krishna Kumar Singh
For the Opposite Party/s	:	Mr. U.L. Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-05-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 147/148/149/341/323/307/504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have been roped in on account of previous land dispute. It is further submitted that the entire family members have been brought into the prosecution story and the allegations as made out against them are wholly mischievous and untenable in view of the



story built up by the informant. He further submits that so far as the petitioner No. 1 is concerned at best, he can be treated as order giver whereas the other petitioners have no specific role to play and at best the allegation can be levelled against two other named accused persons, namely, Sant Kumar Singh and Antu Singh. So far as the other petitioners are concerned, they have no role to play.

Learned counsel appearing on behalf of the informant, however, submits that the petitioner No. 1 is wholly responsible for the occurrence as it was on his instance that the said Surendra Singh was lifted and taken to the house of Antu Singh where he was brutally assaulted. He also submits that petitioner No. 1 Ram Adhar Singh is having criminal antecedent and thus, does not deserve the privilege of anticipatory bail. So far as other petitioners are concerned, it is fairly submitted that they are not the persons who had caused the grievous injury and the main allegation is against Antu Singh and Sant Kumar Singh. It is also submitted that there is no material in the case dairy to point fingers at the present petitioners.

Learned counsel on behalf of the State, however, submits that on account of the occurrence the injuries which were found on the persons of the informant were grievous in nature and, therefore, the petitioner does not deserve anticipatory bail.

However, considering all facts and circumstances, let the petitioners No. 2 to 6, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-7th Saran at Chapra in connection with Mashrak P.S. Case No. 09/16, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

With regard to the prayer made by Ram Adhar Singh (petitioner No. 1), learned counsel for the informant submits that he is also having criminal antecedent and it was he who was responsible for taking away the victim and assaulting him at the resident of Antu Singh. As such, I am not inclined to grant anticipatory bail to petitioner No. 1 (Ram Adhar Singh). It is accordingly rejected.

However, if the petitioner No. 1, surrenders in the Court below within a period of four weeks from today, his case may be considered on its own merit without being prejudiced by this Court's order.

(Anjana Mishra, J)

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