

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38247 of 2016

Arising Out of PS.Case No. -148 Year- 2016 Thana -MASRAKH District- SARAN

=====

1. Hem Narayan Singh, Son of Late Singhashan Singh
2. Prashant Singh @ Prashant Kumar Singh, Son of Hem Narayan Singh
3. Indu Singh, Son of Hira Lal Singh
4. Om Prakash Singh, Son of Devendra Kumar Singh
All are resident of Village- Karan Kudariya, Police Station- Mashrakh @
Mashrak, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-09-2016 Heard Sri Bindhayachal Singh, learned counsel who

was assisted by Sri Ram Binod Singh, learned counsel for the

petitioners and learned Additional Public Prosecutor.

Four petitioners, apprehending their arrest in Mashrak
P.S. Case No. 148 of 2016 registered for the offence under section
147, 148, 149, 448, 307, 386, 325, 323 and 379 of the Indian
Penal Code , have prayed for grant of bail in the event of their
arrest or surrender.

At the very outset by way of referring to Annexure -4
to the present petition learned for the petitioners submits that the
informant's side of the present case were aggressor and due to



some election dispute petitioners were apprehended by the informant and other persons , they were brutally assaulted , their motorcycles were also damaged by accused persons. Since the petitioner no. 1 had received serious injury in the occurrence firstly he was examined in the Primary Health Center and immediately he was referred to the P.M.C.H. and his fardbyan was got recorded by the police on the same day i.e. 7.5.2016 at about 1.5 P.M. whereas in the present case F.I.R. was lodged on the same day i.e. on 7.5.2016 on a false accusation that petitioners on 20-25 motorcycles in 50-60 nos. had created offences at the shop of the informant. He further submits that even in the present F.I.R. the informant has alleged that petitioner no. 1 had given blow from the butt of the rifle which caused injury in the leg of the informant. He submits that had there been any intention to kill there was no restriction, the petitioner no.1 would have used his rifle for killing the informant side.

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail. It was submitted that the informant of the present case was brutally assaulted by the petitioners.

Besides hearing learned counsel for the parties I have also perused the material available on record.

Keeping in view the fact that there was case and counter case in between the parties and the fact that even petitioners were allegedly armed with rifle had not used the same the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the aforesaid four petitioners Hem Narayan Singh, Prashant Singh @ Prashant Kumar Singh, Indu Singh and Om Prakash Singh be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., VIIIth, Saran at Chapra / concerned court in connection with Mashrak P.S. Case No. 148 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure .

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--