

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37158 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -BARAHIYA District- LAKHISARAI

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Satyadeo Singh @ Pagla Son of Nagendra Singh Resident of Village-
Barahia Tola, Dhanraj Ward NO.- 9, P.S- Barahia, Distt- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 01-03-2017

Heard learned counsels for the petitioner

and the State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 379, 307, 427/34 of the Indian Penal Code and 27 of the Arms Act.

Earlier anticipatory bail application of the petitioner was disposed of vide order dated 23.05.2016 passed in Cr. Misc. No. 23027 of 2016 with liberty to the learned court below to consider the prayer for bail of the petitioner, if he



surrenders within a period of six weeks.

The attention of this Court has been drawn to the order dated 25.05.2016 passed in Cr. Misc. No. 23257 of 2016 whereby co-accused Shambhu Singh and Radhey Singh have been granted anticipatory bail by this Court on the ground that co-accused Suresh Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.04.2016 passed in Cr. Misc. No. 14516 of 2016 and co-accused Raju Singh @ Raju Kumar has been granted anticipatory bail by another co-ordinate Bench of this Court vide order dated 03.05.2016 passed in Cr. Misc. No. 15666 of 2016. Moreover, the accusation is not being corroborated by the injury report brought on record as Annexure-3. It appears that when the earlier anticipatory bail application was disposed of vide order dated 23.05.2016 neither the injury report was brought on record nor the orders passed by the co-ordinate Benches of this Court, whereby co-accused persons have been granted anticipatory bail were brought to the notice of this Court.

The prosecution case is that while the sister of the informant was alone in her house, the petitioner and others entered into the house armed with various weapons. It is alleged that co-accused Shambhu Singh, who was armed with pistol,



abused the sister of the informant and co-accused Radhey Singh, who was armed with iron rod, snatched her scarf when this petitioner alleged to have tore the clothes of the victim. On alarm being raised when the informant and others came, co-accused Shambhu Singh fired and co-accused Suresh Singh gave sword blow to Nagajee, the brother of the informant. It is also alleged against co-accused Radhey Singh that he assaulted by means of iron rod to the informant when co-accused Raju assaulted with 'tangi' whereas this petitioner assaulted on Vijay Singh with butt of the pistol. Co-accused Nagendra Singh ordered to commit robbery in the house of the informant when co-accused Suresh Singh, took away attaché from the house of the informant containing jewellerys and clothes whereas co-accused Nagendra Singh, took away Rs.35,000/- from the trunk.

It is submitted by learned counsel for the petitioner that the injury reports of Vijay Singh, Ajay Kumar and Naga Singh which were brought on record by way of supplementary affidavit in the anticipatory bail application of co-accused, suggest that the injury has been found to be simple in nature caused by hard and blunt substance. None of the injuries have been found caused by any sharp cut injury, though accusation against co-accused Raju to have assaulted with



‘tangi’ to the informant whereas co-accused Suresh Singh assaulted with sword to Nagajee, brother of the informant. There is accusation against co-accused Shambhu Singh to have fired but did not hit anyone. There is counter version of the occurrence being Barahiya P.S. Case No. 171 of 2015 against the informant side, hence, the present case has been lodged in the background of land dispute between the parties from before. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. There is nothing on record that I.O. found the clothes of sister of the informant in tore condition.

Learned APP submits that other similarly situated co-accused have been granted anticipatory bail.

Considering the fact that apparently after disposal of the earlier anticipatory bail application of the petitioner this fact was brought to the notice of this Court that the others have been granted anticipatory bail by this Court and other two co-ordinate Benches and the accusation has not been corroborated with the medical opinion coupled with the statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender



before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 211 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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