

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39291 of 2017

Arising Out of PS.Case No. -331 Year- 2017 Thana -BARBIGHA District- SEKHPURA

- =====
1. Chandra Shekhar Singh @ Tuntun Singh, s/o late Bacchu Singh,
 2. Bhim Singh, s/o Chandra Shekhar Singh,
 3. Dharamraj Singh @ Dharamraj Kumar Singh, s/o Chandra Shekhar Singh,
 4. Munna Singh, s/o Chandra Shekhar Singh,
 5. Krishnamohan Singh @ Ghutus Kumar @ Krishna Mohan Kumar, s/o Chandra Shekhar Singh, all resident of Village- Delhwa, P.S. Barbiga, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP
For the Informant : Mr. Prithvi Nath Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 11-09-2017

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in Barbiga P.S.
Case No.331 of 2017 instituted for the offence under Section(s)
447, 341, 323, 379, 504, 307, 506 Indian Penal Code.

As per written report, there is specific allegation
against petitioner Nos. 2, 4 and 5 of assaulting the informant with
lathi, iron rod and butt of the pistol.

Case diary has been received in which injury report
is available, wherein, the doctor has found total six injures on the
person of the informant, out of which, one of the injury was



found to be grievous in nature. From the Injury report, it appears that injuries have been found at the nose, eye lid, which are vital parts of the body.

In view of such, **this Court is not inclined to extend the privilege of anticipatory bail to petitioner Nos.2, 4 and 5.** Their prayer for grant of anticipatory bail is rejected.

They may surrender and seek regular bail, which shall be considered and disposed off by the Court below in accordance with law preferably on the same day without being prejudiced by this order.

So far as petitioner Nos.1 and 3 are concerned, petitioner No.1 is said to be order giver and petitioner Nos.3 is said to have assaulted Manish with *lathi*. Injuries on the person of Manish were found to be simple in nature.

In the facts and circumstances of the case, prayer of the petitioner Nos.1 and 3 for grant of anticipatory bail is allowed. **In the event of surrender/arrest of the petitioner Nos.1 and 3, named above,** within six weeks from today in connection with Barbigha P.S. Case No.331 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial



Magistrate, II, Sheikhpura, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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