

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70006 of 2018

Arising Out of PS. Case No.-223 Year-2018 Thana- SULTANGANJ District- Bhagalpur

1. Shankar Singh, Son of Late Tarini Mahto,
2. Gopal Singh @ Toni @ Gopal Kumar, Son of Ashok Singh,
3. Sudarshan Singh @ Golu @ Sudhansu Kumar, Son of Ashok Singh,
4. Prashant Singh @ Manoj Kumar, Son of Shankar Singh,
5. Kanhaiya Singh @ Aman Kumar, Son of Shankar Singh, All resident of Village- Tilakpur, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey
For the Opposite Party/s : Mr. Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 323, 341, 307 and 379 of the Indian Penal Code.

The prosecution as per the written report of Harkhit Singh submitted to the S.H.O., Sultanganj is to the effect that on 07.09.2018 at about 05.00 P.M., the informant was near his house when co-accused Ashok Singh armed with khanti and picket came and started fixing the picket on the land of the petitioner. On protest being made by the informant, all the petitioners came and started abusing and made assault to the informant. It is further alleged that the co-accused Ashok Singh



assaulted with khanti on the head of the informant, as a result, the informant fell on the ground and petitioner no. 5, Kanhaiya Singh assaulted him over his right hand with lathi causing fracture injury.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner. It is further submitted that there is no specific accusation against petitioner nos. 1 to 4. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the specific accusation against the petitioner no.5, Kanhaiya Singh of causing fracture injury, this Court is not inclined to grant him anticipatory bail. Accordingly, prayer for anticipatory bail of petitioner no.5, Kanhaiya Singh is rejected in connection with **Sultanganj P.S. Case No. 223 of 2018**, pending in the Court of learned **A.C.J.M. 1st, Bhagalpur**.

So far as petitioner nos. 1 to 4 are concerned, considering the thrust of accusation against the petitioner no. 5, Kanhaiya Singh, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal



antecedent, let the above named petitioner nos. 1 to 4 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M. 1st, Bhagalpur** in connection with **Sultanganj P.S. Case No. 223 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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