

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72257 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- PUSA District- Samastipur

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1. Vishwnath Singh @ Vishwnath Singh, S/o Late Chalitar Mahto.
 2. Umesh Singh, @ Umesh Singh, S/o Sukhdev Singh @ Sukhdev Singh.
 3. Amar Kumar, S/o Dinesh Singh @ Dinesh Singh,
 4. Dinesh Singh @ Dinesh Singh, S/o Sukhdev Singh @ Sukhdev Singh, All are R/v- Marsand Dihtol, P.S.- Pusa, Dist- Samastipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar, Advocate.
For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 307, 323, 325, 341, 448, 452 and 504 of the IPC.

The prosecution story, in brief, is that on 28.06.2018 at 21.30 P.M., the petitioners and other co-accused reached at the house of the informant after making unlawful assembly having armed with *Lathi, rod, Bhala, Farsa, Sword, Digger* etc. and started assaulting and broken the rear gate of his house. Petitioner nos. 1 and 2 assaulted with *Iron rod* and *Farsa* respectively on his head. When his wife came to rescue him,



petitioner no. 4 assaulted with *Farsa* on her head causing bleeding injuries. Petitioner no. 1 also assaulted his wife with *rod* causing cut injury on her eyes. When the informant and his wife fell down on the ground, rest accused persons also assaulted with *Lathi-rod* to them. Petitioner no. 3 sat on his chest and assaulted with *Digger* and petitioner no. 1 assaulted with *rod* on his left leg. When his son Bisheshwar Singh and daughter-in-law Beki Devi came to rescue him, they were also assaulted. The accused also entered into his house and looted and damaged household articles and took out Rs. 40,000/- and some ornaments. They were admitted in D.M.C.H.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands..

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 C.J.M. Samastipur, in connection with Pusa P.S. Case No. 54 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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