

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8810 of 2018

Arising Out of PS.Case No. -441 Year- 2017 Thana -MAJORGANJ District- SITAMARHI

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1. Anand Mohan Singh @ Anand Prakash Singh, Son of Satyendra Singh
2. Rahul Kumar Singh, Son of Radhakant Singh
3. Satyendra Singh, Son of Late Sajawal Singh All Resident of Village-
Dumri Kala, P.S. Majorganj, District-Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 21-02-2018

Heard learned senior counsel for the
petitioners and learned Additional Public Prosecutor for the
State.

The petitioners apprehend their arrest in
relation to Majorganj P.S. Case No. 441 of 2017 registered
under Sections 147, 148, 341, 323, 324, 307 of the Indian
Penal Code, pending in the court of learned Additional
Chief Judicial Magistrate – I, Sitamarhi.

Learned senior counsel for the petitioners
submits that there are three petitioners in the present case.
they are not having criminal antecedent and there is counter
case as well in which the informant of the present case is an
accused. It is submitted that in fact the time recorded on the



F.I.R. of the counter case would show that the report of the counter case reached earlier than this case in the police station but the case was registered just after registering the present case.

So far as the allegations part is concerned, learned senior counsel for the petitioners submits that it seems to be a case of free fighting between the two parties in which they have assaulted each other. The allegations are according to learned senior counsel false, concocted and baseless and hence these petitioners may be given the privilege of anticipatory bail.

On the other hand, learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail and submits that the allegations contained in the F.I.R. are serious in nature as it would appear that these three petitioners have actively participated in the assault and caused injuries to the other side. It is submitted that so far as petitioner no. 1 is concerned, he has assaulted using Khukhari not only to the informant but also to one more person.

Having heard learned counsel for the parties and on perusal of the records, I find that so far as



allegations against petitioner no. 1 namely, Anand Mohan Singh @ Anand Prakash Singh and petitioner no. 3 namely, Satyendra Singh are concerned, they seem to have assaulted the other side on vital part of the body causing injuries, however the allegation against petitioner no. 2 namely, Rahul Kumar Singh is that of causing injury on non-vital part i.e. on the left hand which is said to be simple in nature.

While it is true that there is a counter case also, but considering the kind of participation of petitioner no. 1 and 3 namely, Anand Mohan Singh @ Anand Prakash and Satyendra Singh, I am not inclined to grant anticipatory bail to them.

Accordingly, prayer for anticipatory bail of petitioner nos. 1 and 3, namely, Anand Mohan Singh @ Anand Prakash and Satyendra Singh is rejected.

So far as petitioner no. 2 namely, Rahul Kumar Singh is concerned, in the event of his arrest/surrender before the court below within four weeks, let the petitioner, namely, Rahul Kumar Singh, be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate – I, Sitamarhi, in connection with Majorganj P.S. Case No. 441 of 2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, petitioner no. 1 and 3, if so advised, surrender in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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