

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30792 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- KUTUMBA District- Aurangabad

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1. Nirmal Singh, S/o Late Ramta Singh
 2. Upkar Singh, S/o Late Ramta Singh
 3. Dilip Singh, S/o Late Shyamta Singh @ Samta Singh
 4. Pappu Singh @ Pappu Kumar Singh, S/o Nirmal Singh
 5. Indal Singh, S/o Late Ramta Singh
 6. Vivek Singh @ Vivek Kumar Singh, S/o Dilip Singh
 7. Nikhil Singh @ Nikhil Kumar Singh, S/o Indal Singh
 8. Roshan Singh @ Roushan Kumar Singh, S/o Dharendra Singh
 9. Dharendra Singh, S/o Late Ramta Singh
 10. Manish Singh @ Manish Kumar Singh, S/o Nirmal Singh
 11. Mukesh Singh, S/o Dilip Singh
 12. Toon Toon Singh, S/o Baijnath Singh
 13. Niraj Singh @ Niraj Kumar Singh, S/o Indal Singh,
All Resident of Village- Chakua, P.S. Kutumba, District
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.
For the Opposite Party/s : Sri Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2018 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,
149,307,323,341,354,379,427,448,504 and 506 of the Indian
Penal Code.

The prosecution case got initiated on the basis of written
report dated 31.03.2018 submitted by Udal Noniya to the



Station House Officer, Kutumba Police Station, to the effect that on 31.03.2018, at 7.00 P.M, the informant was at his house. In the meantime, co-villagers, 13 FIR named accused persons, including the petitioners, came armed with lathi danda while abusing, entered into the house of the informant, after breaking the door and assaulted him. It is specifically alleged that petitioner no.8, Raushan Singh assaulted with lathi on the head of the informant, causing cut injury and even when the informant fell down on the ground, the accused persons continued with the assault. When the wife, children and aunt of the informant came to rescue him, then they were also assaulted. It is further alleged that the accused persons took away the DJ machine from the house of the informant.

It is submitted by learned counsel for the petitioners that except specific accusation against petitioner no.8 Raushan Singh, the accusation against all the petitioner is omnibus and general. The injuries of the informant and his wife have been found to be simple in nature. Though the FIR was registered on 31.03.2018, but it reached to the Court of ACJM, on 07.04.2018, which clouds the bona fide of the accusation. 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 the petitioners are named in the FIR.

Considering the accusation not being corroborated with the medical opinion, the delayed reaching of the FIR to the Court of learned ACJM, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 ACJM-VII, Aurangabad, in connection with Kutumba P.S. Case No.49 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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