

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 58680 of 2018**

Arising Out of PS. Case No.-88 Year-2018 Thana- Shambhuganj District- Banka

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1. Mahesh Singh, S/o Late Daroga Singh,
  2. Chattu Singh S/o Late Daroga Singh,
  3. Ranvir Singh S/o Late Munga Singh,
  4. Sopali Singh S/o Late Mani Singh,
  5. Budho Singh S/o Late Mani Singh,
- All R/o Vill.- Jhakhra, P.S.- Sambhuganj, District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| For the Petitioner/s       | : | Mr. Bauxi S.R.P.Sinha, Sr.Adv. |
|                            |   | Mr. Sanjay Kumar Singh         |
| For the Opposite Party/s : |   | Mr. Shailendra Kumar -2        |

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 20-09-2018                      Heard Sri Bauxi S.R.R.Sinha, learned senior counsel assisted by Sri Sanjay Kumar Singh, learned counsel for the petitioners.

Five petitioners, apprehending their arrest in Sambhuganj P.S. Case No. 88 of 2018 registered for offence under Sections 147, 148, 323, 341, 307, 379, 504, 506 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

By way of referring to F.I.R., it was submitted by learned senior counsel for the petitioners that admittedly there was land dispute in between the parties. Besides this, by way of referring to statement made in paragraph – 7 of the petition, it



has been argued that petitioners had lost the title suit i.e. Title Suit No. 44 of 1998 regarding land dispute, against which, an appeal, bearing Title Appeal No. 156 of 2014, was preferred, which too stood dismissed and now second appeal, vide Second Appeal No. 360 of 2018, is pending. It has further been submitted by way of referring to injury report that injuries were noticed as simple in nature, which were caused by hard & blunt substance. Learned senior counsel for the petitioners has argued that in view of injuries as well as accusation made in the F.I.R., ofcourse there was no application of Section 307 of the Indian Penal Code, but with a view to give a colour of serious offence, Section 307 of the Indian Penal Code was added. Similarly, Section 379 of the Indian Penal Code has been added, which appears to be ornamental.

Considering the facts & circumstances, particularly the fact that there was land dispute in between the parties and nature of injuries, in the event of their arrest or surrender within a period of six weeks from today, let aforesaid five petitioners namely 1. Mahesh Singh, 2. Chattu Singh, 3. Ranvir Singh, 4. Sopali Singh and 5. Budho Singh be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned S.D.J.M., Banka in connection with Sambhuganj P.S.  
Case No. 88 of 2018, subject to condition as laid down under  
Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

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