

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38013 of 2018

Arising Out of PS. Case No.-21 Year-2018 Thana- MALI District- Aurangabad

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1. Sailesh Kumar @ Salesh Singh @ Sailesh Singh, Son of Late Deopat Singh,
 2. Ayodhya Singh, Son of Late Jagnarayan singh @ Jugan Singh. null
 3. Kamakhya Kumar Singh @ Kamakhya Singh, son of Raghupati Singh,
 4. Musafir Singh @ Mosafir Singh, Son of Late Jagnarayan Singh @ Jugan Singh,
 5. Chandan Kumar Singh @ Chandan Singh, son of Musafir Singh,
 6. Om Prakash Kumar Singh @ Om Prakash Singh, Son of Late Deopat Singh, All resident of Village- Satar P.S.- Mali, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 380, 307, 504 and 506 of the IPC.

The prosecution case, as per the written report of Mithilesh Singh dated 07.05.2018, submitted to the Station House Officer, Mali P. S., to the effect that on the same day, at 7 A.M. petitioner no.1, Sailesh Singh, petitioner no.2, Ayodhya Singh, petitioner no.3, Kamakhya Singh and petitioner no.4, Musafir Singh started abusing the cousin sister of the informant. On



protest being made, all the six petitioners and co-accused Yugan Singh assaulted the informant with lathi and garasa causing cut injury on the head of the informant. Consequently, the informant fell down on the ground and when Shiv Pujan Singh, Sajeet Singh and Govind Singh came to rescue them they were also assaulted by the accused persons. It is further alleged that the accused persons also took out Rs. 10,000/- and a gold chain from the cousin sister of the informant.

It is submitted by the learned counsel for the petitioners that the informant has received one lacerated injury on the scalp which has been found to be simple in nature and none else have received any injury. There is a counter version of the occurrence as petitioner no.4, Musafir Singh lodged Mali P. S. Case No. 20 of 2018 with accusation under Sections 147, 149, 341, 323, 380, 307, 504 and 506 of the IPC, against the family members of the informant. Two persons have received injuries from the petitioners' side also. The FIR has been registered on 07.05.2018 which ultimately reached to the learned Court below on 10.05.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned A.P.P., however, submits that the petitioners are



named in the F.I.R. with specific accusation.

Considering the omnibus and general nature of accusation, the injury found simple in nature and there is a counter version of occurrence wherein petitioners' side have also received injury coupled with the statement made in paragraph 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Mali P. S. Case No. 21 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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