

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52619 of 2018

Arising Out of PS.Case No. -114 Year- 2018 Thana -SHAMBHUGANJ District- BANKA

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1. Dhiraj Kumar Singh, S/o Shambhu Pd. Singh.
 2. Sanjay Kumar Singh, S/o Shyam Sunder Singh.
 3. Sudhanshu Singh @ Sudhanshu Kr. Singh @ Gunchu Kr. Singh, S/o Shyam Sunder Singh.
 4. Sagar Kumar Singh, S/o Shambhu Pd. Singh.
 5. Shyam Sunder Singh, S/o late Kanaklal Singh.
 6. Kanhaiya Kumar Singh, S/o Sanjay Kumar Singh.
 7. Rahul Kumar Singh, S/o Sanjay Kumar Singh. All resident of Village-Bashipur, Police Station- Shambhuganj, District-Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 148, 341, 323, 325,
307, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that the informant
was standing on his cattle shed, the petitioners came and
assembled by taking arms in their hand and with common
intention abused the informant and with intention to kill, petitioner
no. 1 Dhiraj Kumar Singh assaulted by Lathi causing bleeding



injury on his head and when his elder brother Anil Singh came to rescue, petitioner no. 2 Sanjay Singh assaulted by Iron rod due to which the informant wanted to save the blow of said Iron rod to his brother by which hit on the hand of the informant causing fracture of his hand. He also snatched golden chain worth Rs. 60,000/- Mobile and cash Rs. 5,000 from the informant and the petitioner no. 3 Sudhanshu Kumar Singh snatched cash Rs. 2,000/- and watch from his brother Anil Kumar Singh and also they threatened that if the case will lodge, they will kill him.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1, 3 to 7 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. Injury report does not indicate whether nature of injury is simple or grievous. Hence, it can not be ascertained whether offence under Section 307 of the IPC is made out or not.

On behalf of the learned counsels for the State and the informant, 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. Banka, in connection with Shambhuganj P.S. Case No. 114/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

