

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66334 of 2018

Arising Out of PS. Case No.-356 Year-2018 Thana- CHANPATIA District- West Champaran

Markende Singh, S/o Late Dhodha Singh, R/o Chaubey Tola, P.S.-
Chanpatiya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.
For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 323, 324,
307, 427, 447, 379, 506 and 504 of the IPC.

The prosecution story, in brief, is that on 12.08.2018
at 11.00 A.M. when the informant was sitting at his door with
his children, co-accused Dhuran Singh started throwing
Bamboo Tanti fixed at the land situated beside his house and on
protest being made by him, all the accused persons surrounded
him with *Lathi* and *Farsa* and started extending threat to kill. It
is further alleged that co-accused Dhuran Singh assaulted the
informant on his head, co-accused Lav Singh assaulted with
Farsa at the left side informant's head, due to which, he fell



down, when the informant's son namely, Amit Kumar came to rescue him, co-accused Lav Singh caused injury over two fingers of his right hand by *Farsa*. It is further alleged that F.I.R. named accused persons assaulted them with *Lathi*, *Phatta* and co-accused Usha Devi committed theft of informant's gold chain from his neck and co-accused Sarita Devi took Rs. 8500/- from informant's pocket. Having heard the alarm the villagers gathered and took the injured to the Hospital.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Bettiah, West Champaran, in connection with Chanpatiya P.S. Case No. 356 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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