

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11948 of 2019

Arising Out of PS. Case No.-199 Year-2018 Thana- AWTARNAGAR District- Saran

1. Shashi Ranjan Patel aged about 21 years (Male) Son of Nitya Nand Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.
2. Nawal Singh aged about 42 years (Male) Son of Late Mangal Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.
3. Mahesh Singh aged about 40 years (Male) Son of Late Mangal Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.
4. Rahul Kumar Singh Raja aged about 24 years (Male) Son of Jitana Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.
5. Rajnish Kumar Singh aged about 20 years (Male) Son of Girnari Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.
6. Akash Singh aged about 19 years (Male), Son of Late Virendra Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.
7. Rahul Kumar Singh aged about 32 years (Male), Son of Tarkeshwar Singh Resident of Village- Khanpur, Police Station- Derni, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Awtarnagar P.S. Case No. 199 of 2018 registered under Sections 341, 323, 324, 307, 379, 354, 504, 506/34 of the Indian Penal Code and 25(1-b)a, 26/35 of the Arms Act.

Learned counsel for the petitioners submits that it is a



case of false implication of the petitioners. As per allegations, petitioners had gone to the house of the informant. Petitioner no. 3 namely, Mahesh Singh, is said to have caught the hair and put on land the wife of the informant. Accused Shashi Ranjan Patel snatched golden chain from the neck of the wife of the informant, the accused persons fled away leaving the motorcycles. There are allegations that other two accused Rajnish Kumar Singh and Rahul Kumar were armed with Katta. Police also seized five cartridges and two motorcycles from the spot. In the F.I.R., the informant has further alleged that the informant and his wife had been badly assaulted by the accused persons.

Learned counsel for the petitioners submits that the parties have amicably settled their disputes and the matter has been compromised. Learned counsel submits that at least against petitioner nos. 2 & 6 there is no allegation of commission of any overt act.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioners saying that the petitioners who belonged to another village came to the house of the informant and had badly assaulted the informant and his wife by creating havoc as they were lashed with pistol,



therefore, the petitioners are not deserving the privilege of anticipatory bail.

Learned A.P.P. however submits that so far petitioner nos. 2 and 6, there is no allegation of commission of overt act against them.

Considering the facts and circumstances of the case whereunder it appears that there is no specific allegation against petitioner nos. 2 & 6, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioner Nos. 2 & 6 be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - 11th Chapra, in connection with Awatarnagar P.S. Case No. 199 of 2018, subject to condition that petitioners will join investigation by reporting to the Investigating Officer within a period of two weeks from today and will cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

So far as other petitioners are concerned, taking note of the allegations against them this court is not willing to grant privilege of anticipatory bail to them.



Accordingly, prayer for anticipatory bail of above named petitioner nos. 1, 3, 4, 5 and 7 has been refused.

However, because the matter has been compromised between the parties, if other petitioners surrender in the court below and pray for regular bail, the same may be considered by the court below on the same day and an appropriate order may be passed thereon.

The fact that there prayer for anticipatory bail has been rejected by this court, shall not cause any prejudice in the mind of the court below.

(Rajeev Ranjan Prasad, J)

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