

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18618 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- BELDOUR District- Khagaria

1. AJAY SINGH Son of Boudhy Singh Resident of Village - Bishnupur, P.S.- Beldaur, Distt - Khagaria.
2. Dharbendra Singh @ Dharmendra Singh Son of Damodar Singh Resident of Village - Bishnupur, P.S.- Beldaur, Distt - Khagaria.
3. Arjun Singh Son of Asharfi Singh Resident of Village - Bishnupur, P.S.- Beldaur, Distt - Khagaria.
4. Shyam Sunder Singh Son of Deni Singh Resident of Village - Ammadih, P.S.- Banma, Distt - Saharsa.
5. Maheshwar Singh Son of Late Ramswarup Singh Resident of Village - Ammadih, P.S.- Banma, Distt - Saharsa.
6. Bambam Singh Son of Maheshwar Singh Resident of Village - Ammadih, P.S.- Banma, Distt - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 379 and 307/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Mungeshwar Singh submitted before the Station House Officer, Beldaur Police Station is to the effect that on 12.08.2018 at 8.00 P.M., seven accused persons, including the petitioners came variously armed and surrounded the informant



and assaulted him near Lakshminiya bridge and snatched away Rs.70,000/-. All the accused persons, including the petitioners also threw the informant into water. On alarm being raised by the informant, when the nearby people came, the informant was taken to Primary Health Centre, Beldaur for providing treatment. It is further alleged that at earlier point of time, the petitioner no.1 Ajay Singh had resorted to fire upon the informant, but it did not hit him, leading to registration of a criminal case against the petitioner no.1.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners in the background of serious land dispute. It is further submitted that the injury report of the informant reflects that the informant has received altogether seven injuries, out of which, injury nos. 1 to 4 are swelling, injury no.5 is abrasion whereas injury nos. 6 and 7 are skin deep laceration. The injury nos. 5 to 7 have been found simple in nature, while opinion with regard to injury nos. 1 to 4 has been kept reserved. It is further submitted that for the occurrence of 12.08.2018 at 8.300 P.M., the FIR was lodged on 13.08.2018 at 9.00 P.M., which reached to the Court of learned Judicial Magistrate, 1st Class, Khagaria on 14.08.2018 which clouds the *bona fide* of the accusation. A statement has been



made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, except petitioner no.1, who is accused in one other case apart from the present case in which he is on bail.

It is submitted by learned APP for the State that the petitioners assaulted the informant and they are named in the FIR.

Considering the omnibus and general nature of accusation against several persons not being corroborated by the medical opinion, delayed lodging of the FIR and its delayed reaching to the learned Court below, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria, in connection with Beldaur P.S. Case No.147 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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