

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18596 of 2019

Arising Out of PS. Case No.-53 Year-2015 Thana- SHAHKUND District- Bhagalpur

1. FANTUS SINGH, S/o Anil Singh, R/o village- Juakhar Modar, P.S.- Shahkund, District- Bhagalpur
2. Kanil Singh, Son of Rudal Singh, R/o village- Juakhar Modar, P.S.- Shahkund, District- Bhagalpur
3. Panchi Singh @ Pachi Singh, S/o Rudal Singh, R/o village- Juakhar Modar, P.S.- Shahkund, District- Bhagalpur
4. Chhatu Singh, S/o Rudal Singh, R/o village- Juakhar Modar, P.S.- Shahkund, District- Bhagalpur
5. Anil Singh, S/o Rudal Singh, R/o village- Juakhar Modar, P.S.- Shahkund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Heard leaned 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 147, 148, 149, 323, 324, 325, 326, 307, 379, 504, 354(A) and 506 of the Indian Penal Code.



The prosecution case as per the written report of Neetu Kumari submitted to the S.H.O., Shahkund P.S. is to the effect that all the accused persons including the petitioners, assaulted the informant and her parents. It is further alleged that the accused persons also took away cash amount of Rs. 25,000/- and jewellery from the parents of the informant.

It is submitted by learned counsel for the petitioners that the parents of the informant received two injuries caused by petitioner no.3, Pachi Singh, petitioner no.4 Chhatu Singh, petitioner no.5 Anil Singh and co-accused Rudal Singh but the accusation of assault is not being corroborated by any medical opinion. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that the present case was registered in the year 2015 and earlier the prayer for anticipatory bail of the petitioners has been rejected by the learned District and Sessions Judge, Bhagalpur on 07.05.2015, in A.B.P. No.605 of 2015, and thereafter the petitioners renewed their prayer at the last stage of the year 2018, hence, this



Court is not inclined to interfere.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

Keeping in view of the fact that the accusation of assault is not being corroborated by any medical opinion and the alleged occurrence took place in the background of land dispute between the parties, the learned Court below will consider the prayer for regular bail of the petitioners, if they surrender within a period of six weeks, in connection with **Shahkund P.S. Case No.53 of 2015**, pending in the Court of learned **SDJM, Bhagalpur**.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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