

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31248 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- BHAGWANPUR District- Vaishali

1. VINAY @ VINAI SINGH Son of Late Chandra Shekhar Singh Resident of Village - Harpur Kasturi, P.S.- Bhagwanpur, District- Vaishali
2. Kunal Singh Son of Late Ajay Singh @ Tuna Singh Resident of Village - Harpur Kasturi, P.S.- Bhagwanpur, District- Vaishali
3. Rahul Kumar Son of Sunil Singh Resident of Village - Harpur Kasturi, P.S.- Bhagwanpur, District- Vaishali
4. Prince Kumar Son of Anil Singh Resident of Village - Harpur Kasturi, P.S.- Bhagwanpur, District- Vaishali
5. Raja Kumar Son of Sunil Singh Resident of Village - Harpur Kasturi, P.S.- Bhagwanpur, District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 13-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bhagwanpur P.S. Case No. 218 of 2018 for the offence punishable under Sections 341, 242, 323, 307, 354, 504 506, and 379/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners is permitted to make necessary correction in paragraph 1 of the application in course of the day.

There is allegation against seven persons of having assaulted the informant and his family members variously.



Learned counsel appearing on behalf of the petitioners has submitted that it is manifest from the description of the petitioners that they belong to the same family. He contends that the parties are on litigating terms from before. There is no allegation of assault against petitioners No. 4 and 5 and, allegedly, petitioners No. 1 and 3 opened fire, though there is no firearm injury nor there is allegation that anyone received any firearm injury.

As regards petitioner No.2, he is said to have assaulted by means of *daab*, which is a sharp cutting weapon. Learned counsel appearing on behalf of the petitioners has submitted, in this regard, that the injury in the head of the father of the informant has been found to have been caused by hard and blunt substance, which does not corroborate the allegation of assault by *daab*, against petitioner No. 2.

Learned counsel appearing on behalf of the informant has opposed the prayer for bail and has submitted that definite opinion in respect of the nature of injury is yet to be obtained. He has also submitted that the medical report to the effect that father of the informant received injuries in his head supports the case of the prosecution of assault made by petitioner No.2. He has also submitted that the petitioners have



criminal antecedent.

It appears that the earlier case, filed against the petitioner, has also been instituted by the brother of the informant.

Keeping in view the facts and circumstances and the submission, as noted above, case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail 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 A.C.J.M.-III, Vaishali at Hajipur, in Bhagwanpur P.S. Case No. 218 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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