

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69169 of 2018

Arising Out of PS. Case No.-221 Year-2018 Thana- MADHAURAH District- Saran

Arbind Kumar Singh, son of Srinath Singh, resident of Village- Siswa, P.S.-
Marhaura, District- Saran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Siddharth Harsh, Advocate.

For the Opposite Party : Mr. Chandrasen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-01-2019 Learned counsel for the petitioner is permitted to
make necessary corrections in paragraph no. 3 of the bail
application, in course of the day.

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,
325, 307, 506 of the IPC and 27 of the Arms Act. Later on
Section 302 of the IPC was also added.

The prosecution story, in brief, is that the informant
Rabindra Sharma on 21.05.2018 at about 9.30 A.M. was at his
Furniture Shop, in the meantime, accused persons Srinath
Singh, Sidhnath Singh, Vishwamitra Singh, Shobhnath Singh,
Arbind Kumar Singh (petitioner), Ranjeet Kumar, Randhir



Singh, Pawan Kumar Singh, Jata Shankar Singh @ Bhikhari and Ranjan Singh having *Daab, Farsa, Gadasi*, country made *gun, rod, Lathi* in their hands were standing and a pond was being digging near the shop of the informant and when the informant raised objection that why a pond is being dug near his shop, on this, co-accused Sidhnath Singh and Srinath Singh assaulted him with *Gadasi* due to which, he received injury on his right hand and leg due to which the same were cut and blood started oozing. The brother of the informant Raj Kumar Sharma and neighbour Nand Kishore Sharma came to save him, Arbind Kumar Singh(petitioner) assaulted with *Farsa* on the head of the brother of the informant due to which, his head was cut and blood started oozing, co-accused Pawan Kumar Singh assaulted on the head of Nand Kishore Sharma with *Gadasi* due to which, his head was cut and blood started oozing. Arbind Kumar Singh (petitioner), co-accused Ranjeet Singh, Srinath Singh, Sidhnath Singh assaulted with *Gadasi* and *Farsa* started assaulting indiscriminately to the brother and neighbour of the informant with a view to kill them due to which they received grievous head injury. When the nearby people came to save them, co-accused Jata Shankar Singh alias Bhikhari Singh started firing with his country made gun and stated that *Sala Lohar-Tohar* are



not follow their instructions, kill them all. The witnesses came and the injured were saved and taken to the Hospital for treatment. Injured Raj Kumar Sharma and Nand Kishore Sharma were referred to PMCH due to their grievous injuries. Later on, injured Nand Kishore Sharma died in P.M.C.H on 25.05.2018 during the course of treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no allegation of assault against the petitioner for causing injury upon the deceased. The deceased is said to have been assaulted by co-accused Pawan Kumar Singh. The petitioner is alleged to have caused injury upon one Raj Kumar Sharma. Nature of injury caused to Raj Kumar Sharma is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

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., Saran, Chapra, in connection with Marhowrath P.S. Case No. 221 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

