

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44993 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- DURAULI District- Siwan

1. Laxman Singh Son of Shankar Singh, Resident of Sagar, Rai Ka Tola, P.S.- Darauli, District- Siwan.
2. Baliram Singh @ Valiram Singh Son of Shankar Singh, Resident of Sagar, Rai Ka Tola, P.S.- Darauli, District- Siwan.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Darauli P.S. Case No. 55 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307 and 448/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that earlier while calling for the case diary the learned co-ordinate Bench of this Court has taken note of the submission that the father of the informant has suffered injuries on his head by hard and blunt substance whereas the allegation against the petitioners is of causing assault by Farsa.

Learned counsel submits that from injury report of Bharat Singh who is said to have assaulted by these petitioners



it would appear that there is no injury of Farsa blow. Further in course of investigation when Bharat Singh made a statement before the Investigating Officer he has not made any specific allegation of assault against these petitioners and the allegations are that all the accused persons had assaulted him. It is submitted that some of the co-accused were allegedly armed with *Lathi* and *Danda* and the injury on the body of Bharat Singh is suggestive of assault by hard and blunt substance, therefore, the allegation that these petitioners had caused the assault by Farsa has been made only with intention to falsely implicate to these petitioners. Learned counsel submits that the parties are litigating over a land dispute and they are co-villagers.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail, however, it is admitted that in Paragraph '5' of the case diary where the statement of Bharat Singh has been recorded, there is no specific allegation of causing assault by these petitioners using Farsa.

In the given facts and circumstances of the case, where the injured Bharat Singh was not specifically named these petitioners using Farsa and giving a blow on his head and further the injury report is not indicating any injury caused by



Farsa blow, let in the event of their arrest or surrender within a period of four weeks from today, the petitioners abovenamed be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Siwan in connection with Darauli P.S. Case No. 55 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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