

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48219 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- JANDAHA District- Vaishali

1. RISHI KUMAR SINGH @ RISHI KUMAR Son of Late Harendra Singh
Resident of Village - Bhathahi, P.S.- Jandaha in the district of Vaishali
2. Abhishek Kumar Singh @ Abhishek Kumar Son of Late Harendra Singh
Resident of Village - Bhathahi, P.S.- Jandaha in the district of Vaishali
3. Annu Kumar Singh @ Avinav Kumar Son of Late Bal Mukund Singh
Resident of Village - Bhathahi, P.S.- Jandaha in the district of Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned Counsel for the petitioners, informant and
learned APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 447, 323, 324, 307,
379 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Sambhu Singh submitted before the Station House
Officer, Jandaha Police Station is to the effect that on
17.04.2019, petitioner no.1, Rishi Kumar Singh assaulted the
informant with spear and thereafter, petitioner no.2, Abhishekh
Kumar Singh assaulted on the head of the informant with farsa



when the informant fell down, petitioner no.3, Annu Kumar Singh assaulted with butt of the revolver. It is also alleged that petitioner no.1 took out Rs.1500/- from the pocket of the informant. The accused persons also alleged to have assaulted the wife of the informant when she came to rescue him.

It is submitted by learned counsel for the petitioners that the informant is the agnate of the petitioners and in the background of land dispute, the accusation has been levelled. Though altogether four injuries have been found, but out of the four injuries, one injury on the forehead has been found grievous which is alleged to have been caused by petitioner no.2, Abhishekh Kumar Singh @ Abhishekh Kumar.

It is submitted by learned counsel for the informant that the informant has brutally been assaulted by all the accused persons and they had intention to kill the informant. Though petitioner no.3 is not having any criminal antecedent, but petitioner nos.1 and 2 are accused in two other cases apart from the present case. A statement to that effect has been made in paragraph no.3 of the petition.

Considering the fact that the injury caused by petitioner no.2 has been found grievous, this Court is not inclined to enlarge petitioner no.2, Abhishekh Kumar Singh @ Abhishekh



Kumar on bail.

Accordingly, the prayer for anticipatory bail on behalf of petitioner no.2, Abhishekh Kumar Singh @ Abhishekh Kumar is rejected.

So far as petitioner nos. 1 and 3 abovenamed are concerned, since they have not caused any grievous injury and the accusation has been levelled in the background of land dispute, let them 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 CJM, Vaishali in connection with Jandaha P.S. Case No.79 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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