

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51784 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- TARAIYA District- Saran

1. Saurabh Kumar Singh @ Golu, Aged about 30 years, Male, Son of Shailendra Singh, Resident of Village Lauwan, P.S. Taraiya, District Saran (Chapra).
2. Vivek Kumar Singh, Aged about 35 years, Male, Son of Shailendra Singh, Resident of Village Lauwan, P.S. Taraiya, District Saran (Chapra).
3. Bibha Devi, Aged about 50 years, Female, Wife of Shailendra Singh, Resident of Village Lauwan, P.S. Taraiya, District Saran (Chapra).
4. Sanjay Singh @ Sanjay Kumar Singh, Aged about 30 years, Male, Son of Krishna Singh, Resident of Village Pokhrera, P.S. Taraiya, District Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-08-2019 Heard both sides.

Petitioners apprehend their arrest in Taraiya P.S. Case
No.134 of 2019, registered under Sections 341, 323, 342, 324,
325, 307, 379, 506 and 34 of the Indian Penal Code.

The informant disclosed in his statement that some
altercation took place between his son Sudhanshu Shekhar and
Shailendra Singh on the eve of election. The matter was pacified
but on 13.05.2019 while his son Sudhanshu Shekhar was
returning from the house of Awadhesh Rai, Sanjay Singh and
others were sitting on the darwaza of Shailendra Singh.



Shailendra Singh, Saurabh Kumar Singh, petitioner no.1, Sanjay Singh, petitioner no.4 and other accused persons indiscriminately assaulted his son Sudhanshu Shekhar causing fracture injury on his leg and hand. The villagers raised alarm. On such, the informant and his younger son, Himanshu Shekhar arrived at the place of occurrence. Saurabh Kumar Singh was assaulting his son with iron rod. Sanjay Singh and Shailendra Singh were exhorting to kill. When the informant and his son intervened to save, Shailendra Singh assaulted with lathi and Vivek Kumar Singh, petitioner no.2 assaulted Himanshu Shekhar with sword on his head. When Himanshu Shekhar fell down, Shailendra Singh and others assaulted with iron rod and lathi. Bibha Devi, petitioner no.3 snatched chain made of gold from possession of his son.

Learned counsel for the petitioners submits that there is specific allegation against Sanjay Singh and Saurabh Kumar Singh, petitioner nos.4 and 1 that they along with others assaulted Sudhanshu Shekhar. The injury found on the body of Sudhanshu Shekhar are grievous in nature on account of fracture of leg and hand. Vivek Kumar Singh, petitioner no.2 is alleged to have assaulted younger son of the informant with sword but from perusal of the injury report of Himanshu



Shekhar, it would appear that Himanshu Shekhar got four injuries but all injuries are caused by hard and blunt object and simple in nature. Satendra Kumar Singh, the informant also got superficial and simple injuries. It is further submitted that Taraiya P.S. Case No.193 of 2019 was registered from the side of the petitioners for the same occurrence thus, the petitioners deserve anticipatory bail but learned counsel for the informant and learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail and submitted that Sudhanshu Shekhar got consciousness in PMCH and he made his statement before the police of Pirbahore in PMCH and disclosed that the accused persons also opened firing. It is further submitted that Saurabh Kumar Singh and Sanjay Singh indiscriminately assaulted Sudhanshu Shekhar who got fracture injury on his leg and hand. Vivek Kumar Singh assaulted younger brother of Sudhanshu Shekhar with sword.

It appears from perusal of the records that firstly the accused persons, namely, Saurabh Kumar Singh and Sanjay Singh @ Sanjay Kumar Singh, petitioner nos.1 and 4 along with others are alleged to have assaulted Sudhanshu Shekhar while he was returning from the house of Awadhesh Rai. The informant Satendra Kumar Singh and his younger son came at



the place of occurrence after hearing alarm and saw Saurabh Kumar Singh and Sanjay Singh assaulting his son Sudhanshu Shekhar. When the informant and his younger son intervened to save, Vivek Kumar Singh is said to have assaulted Himanshu Shekhar with sword and others assaulted with lathi and iron rod but from perusal of the injury report, it appears that there is no sharp cut injury on the person of Himanshu Shekhar. Himanshu Shekhar got four injuries, which are contusion and lacerated and Satendra Kumar Singh, the informant also got three injuries, which are simple in nature. There is a counter version also.

Taking into consideration the facts aforesaid, let petitioner no.2, namely, Vivek Kumar Singh and petitioner no.3, namely, Bibha Devi, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged 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.-IX, Chapra, District Saran in connection with Taraiya P.S. Case No.134 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of Saurabh Kumar Singh @ Golu and Sanjay Singh @ Sanjay Kumar Singh, petitioner nos.1 and



4 is concerned, there is specific allegation that both indiscriminately assaulted Sudhanshu Shekhar with iron rod and lathi and Sudhanshu Shekhar got grievous injury on leg and hand and the leg and hand were fractured.

Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioner no.1, namely, Saurabh Kumar Singh @ Golu and petitioner no.4, namely, Sanjay Singh @ Sanjay Kumar Singh on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1, namely, Saurabh Kumar Singh @ Golu and petitioner no.4, namely, Sanjay Singh @ Sanjay Kumar Singh is rejected.

(Prabhat Kumar Jha, J)

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