

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66346 of 2019

Arising Out of PS. Case No.-213 Year-2019 Thana- MAIRWAN District- Siwan

1. Ritesh Kumar, Son of Shyam Sundar Singh Resident of Village - Pukhareda, P.S.- Mairwa, District - Siwan
2. Mithilesh Kumar Son of Shyam Sundar Singh Resident of Village - Pukhareda, P.S.- Mairwa, District - Siwan
3. Shyam Sundar Singh Son of Late Jhgaru Singh Resident of Village - Pukhareda, P.S.- Mairwa, District - Siwan
4. Shambhu Singh Son of Late Jhagru Singh Resident of Village - Pukhareda, P.S.- Mairwa, District - Siwan
5. Indu Devi Wife of Shyam Sundar Singh Resident of Village - Pukhareda, P.S.- Mairwa, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mairwa P.S. Case no. 213 of 2019, registered under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

The accusation is that informant Munna Kumar @ Baibhav Kumar was at his door in the morning of 05.08.2019, in the meantime, Ritesh Kumar (Petitioner No.1) came started



to abuse and caused assault through sword at his head, as a result he fell down. In the meantime, Mithlesh Kumar (Petitioner No.2) came and pointed pistol and fired, but it was misfired. Thereafter, he started to cause assault through butt of the pistol. When Kedar Singh, father of the informant, rushed to save the informant then Shyamsundar Singh (Petitioner No.3) gave iron rod blow at his head.

Learned counsel for the petitioners submits that, in fact, occurrence of Marpit took place due to some dispute as the petitioners and informant are Gotiya in which petitioners' side also sustained injury regarding which Siwan Mahila P.S. Case No. 56 of 2019 was also instituted on 05.08.2019 on the basis of fardbeyan of co-accused Indu Devi against the family members of the informant.

On the other hand, learned counsel appearing on behalf of informant opposed the prayer for pre-arrest bail. The injuries found on the person of informant Munna Kumar are grievous in nature, which is attributed against petitioner No.1 Ritesh Kumar and injuries as found on the person of Kedar Singh, father of the informant, are also grievous in nature, which is attributed against petitioner No.3 Shyam Sundar Singh.

Having regard to the facts and circumstances of the case, let the petitioner Nos. (2) Mithlesh Kumar, (4) Shambhu



Singh and (5) Indu Devi, be released on bail, in the event of thier arrest or surrender before the learned Court below within a period of four 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 A.C.J.M-VII, Siwan in connection with Mairwa P.S. Case No. 213 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as prayer for pre-arrest bail of petitioner No.1 Ritesh Kumar and petitioner No.3 Shyam Sundar Singh are concerned, considering the facts and circumstances of the case and the nature of allegation against the petitioner Nos. 1 and 3, I am not inclined to grant anticipatory bail to the petitioner Nos.1 Ritesh Kumar and petitioner No.3 Shyam Sundar Singh. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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