

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7367 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- MALAYPUR District- Jamui

1. PARMANAND SINGH Son of Late Janardan Singh Resident of Village - Gadi Katauna, P.s.- Mallepur, Distt.- Jamui.
2. Ravi Singh Son of Parmanand Singh Resident of Village - Gadi Katauna, P.s.- Mallepur, Distt.- Jamui.
3. Manjeet Kumar Singh @ Manjeet Singh Son of Parmanand Singh Resident of Village - Gadi Katauna, P.s.- Mallepur, Distt.- Jamui.
4. Manish Singh @ Sisu Kumar Singh Son of Parmanand Singh Resident of Village - Gadi Katauna, P.s.- Mallepur, Distt.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Satya Prakash Parasar, Advocate

For the Opposite Party/s : Dr Kumar Uday Pratap, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 10-07-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with



Mallepur Police Station (for brevity, *PS*) Case No 85 of 2019 instituted for the offence punishable under Section (s) 147, 341, 323, 307, 379, 504, 506 of Indian Penal Code.

The First Information Report (for brevity, *FIR*) alleges that the informant's son, while he was moving on his vehicle, has been surrounded and beaten by the petitioners by lathi, danda, tangi and khanti.

Learned counsel for the petitioners submits that the alleged date of occurrence in the FIR is 27.09.2019 whereas FIR has been lodged on 14.10.2019. The entire case is counterblast to the actual occurrence which has taken place on 27.09.2019 wherein informant and his family members were aggressors and the petitioners' side has lodged Malaypur PS Case No 81 of 2019. Falsity of the allegation is evident from the fact that the informant has narrated the story as if petitioners are strangers whereas petitioners are own relatives including own brother of the informant. The implication is based on property dispute and the false injury report placed on record also shows the victim to have suffered simple injury.

Learned APP has opposed the prayer for bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event



of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jamui in connection with Mallepur PS Case No 85 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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