

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21226 of 2020

Arising Out of PS. Case No.-857 Year-2019 Thana- DEHRI TOWN District- Rohtas

1. PREMCHAND SINGH Son of Bhuneshwar Singh Resident of Village - Mathuri, P.S.- Dalmiyanagar, District - Rohtas
2. Babloo Kumar Son of Late Kedar Singh Resident of Village - Mathuri, P.S.- Dalmiyanagar, District - Rohtas
3. Kemi Sahay Son of Bhuneshwar Mehta Resident of Village - Mathuri, P.S.- Dalmiyanagar, District - Rohtas
4. Parshuram Singh Son of Naresh Singh Resident of Village - Mathuri, P.S.- Dalmiyanagar, District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dehri (Town Dalmianagar) P.S. Case No.857 of 2019 for the offence registered under Sections 147, 149, 341, 323, 324, 307, 354, 448, 379, 427/34 of the Indian Penal Code.



The accused persons including the petitioners herein are stated to have assaulted the members of the prosecution party resulting in infliction of various sorts of injuries upon them.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that as far as the petitioner nos. 1 to 3 are concerned, they are having clean antecedent, however, the petitioner no. 4 is an accused in one other case but he is on bail in the said case. Lastly, it is submitted that as far as the petitioner no. 1 is concerned, he is stated to have assaulted the wife of the informant, namely, Soni Devi but her injuries have been found to be simple in nature whereas the petitioner no. 2 has been alleged to have assaulted one Satish, however, there is no injury report on record as far as the said person namely Satish is concerned. As regards the rest of the accused persons including the petitioners no. 3 & 4, a general and omnibus allegation has been levelled and there is no allegation of any sort of specific overt act being engaged in by them. The learned counsel for the petitioners has also stated that the present case arises out of case and counter case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the injuries sustained by the injured persons are stated to be simple in nature and the present case arises out of case and counter case, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the 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 learned C.J.M., Rohtas at Sasaram in connection with Dehri (Town Dalmianagar) P.S. Case No. 857 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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