

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84702 of 2019

Arising Out of PS. Case No.-657 Year-2019 Thana- KHAGARIA District- Khagaria

1. Rampukar Singh Son of Late Kamleshwari Singh, Resident of Village - Olapur Gangour, P.S.- Gangaur (Khagaria), Distt - Khagaria.
2. Ramashish Singh @ Ram Asish Singh Son of Late Kamleshwari Singh, Resident of Village - Olapur Gangour, P.S.- Gangaur (Khagaria), Distt - Khagaria.
3. Kshav Singh @ Keshav Kumar Son of Rampukar Singh, Resident of Village - Olapur Gangour, P.S.- Gangaur (Khagaria), Distt - Khagaria.
4. Krishan Balav Singh Son of Late Baddulal Singh, Resident of Village - Olapur Gangour, P.S.- Gangaur (Khagaria), Distt - Khagaria.
5. Bitu Kumar Singh @ Bitu Singh @ Kari Singh Son of Late Basudeo Singh, Resident of Village - Olapur Gangour, P.S.- Gangaur (Khagaria), Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Adv.
For the State	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Mr. Vivekanand Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 18-09-2020 Heard Mr. Vikramdeo Singh, learned counsel for the petitioners, Mr. Shailendra Kumar Singh, learned A.P.P. and Mr. Vivekanand Singh, learned counsel for the informant through Video Conferencing.

Petitioners apprehend their arrest in Khagaria (Gangaour) P.S. Case No.657 of 2019 registered under Sections 147, 148, 341, 323, 506 and 307 of the Indian Penal Code.

The informant alleged that the occurrence took place



on 22.08.2019 with him for which Case No.566 of 2019 was registered. Jiwachh Kumar Singh is a witness of that case. The accused persons were threatening to assault Jiwachh Kumar Singh. The informant went to the house of the accused persons to persuade them not to threat and also assault the witness Jiwachh Kumar Singh. On such, Rampukar Singh (petitioner no.1), Bitu Kumar Singh @ Bitu Singh @ Kari Singh (petitioner no.5) assaulted him with iron rod on both sides of his head. The informant fell down on the ground. Tanuj Kumar Singh assaulted the informant with iron rod on right hand palm. Ramashish Singh assaulted the informant with iron rod on his body and Keshav Singh assaulted the informant with bricks on his head. Krishna Ballav Singh exhorted to kill the informant and the accused persons dragged the informant.

Learned counsel for the petitioners submits that all five accused persons are alleged to have assaulted the informant on different parts of his body but only two injuries were found on the head of the informant. Firstly, Rampukar Singh (petitioner no.1) and Bitu Kumar Singh @ Bitu Singh @ Kari Singh (petitioner no.5) are alleged to have assaulted the informant with iron rod on both sides of his head. The doctor found two injuries on the head of the informant, which are



grievous in nature. No other injury was found on the person of the informant. Tanuj Kumar Singh is alleged to have assaulted the informant on right hand palm but no injury was found on right hand palm of the informant. Ramashish Singh (petitioner no.2) is alleged to have assaulted on the body of the informant with iron rod and Keshav Singh is alleged to have assaulted the informant with bricks on his head but no other injury was found on the body of the informant.

It appears that of course Ramashish Singh (petitioner no.2), Keshav Singh (petitioner no.3) and Krishna Ballav Singh (petitioner no.4) are alleged to have assaulted the informant on different parts of his body but no such injury was found on any other part of the body of the informant except two injuries found on both sides of the head of the informant. The authors of both injuries are Rampukar Singh (petitioner no.1) and Bitu Kumar Singh @ Bitu Singh @ Kari Singh (petitioner no.5).

Taking into consideration the facts aforesaid, Ramashish Singh (petitioner no.2), Keshav Singh (petitioner no.3) and Krishna Ballav Singh (petitioner no.4) in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria (Gangour) P.S. Case No.657 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of Rampukar Singh (petitioner no.1) and Bitu Kumar Singh @ Bitu Singh @ Kari Singh (petitioner no.5) is concerned, they are alleged to have assaulted the informant with iron rod on his head. The doctor found two injuries on the head of the informant, which are grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge Rampukar Singh (petitioner no.1) and Bitu Kumar Singh @ Bitu Singh @ Kari Singh (petitioner no.5) on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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