

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87393 of 2019

Arising Out of PS. Case No.-428 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

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1. SUSHIL KUMAR SINGH @ SUSHIL SINGH, Son of Late Jang Bahahur Singh Resident of Village - Bhirkhira, Police Station - Mohania, District- Kaimur (Bhabhua).
2. Sanjiv Kumar Singh @ Sanjiv Singh Son of Late Jang Bahadur Singh Resident of Village - Bhirkhira, Police Station - Mohania, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 25-06-2020 Heard Mr. Kumar Sunil, learned counsel for the petitioners; Mr. Sunil Kumar, learned counsel for the informant; and Mr. Brijendra Nath Pandey, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Mohania Police Station Case No.



428 of 2019 dated 20.09.2019 instituted for the offences under Sections 323, 341, 324, 504, 307 and 34 of the Indian Penal Code.

The allegation against the petitioners is of assaulting Ran Vijay Singh and Rohit Kumar respectively by means of *Gadasa* and iron rod, leading to injuries on their persons.

It has been submitted on behalf of the petitioners that there is a counter version of the occurrence also. The petitioner no. 1 has also filed a case against the informant and others of the present case.

The petitioners also are said to have received injuries in the occurrence. The case lodged by petitioner no. 1 indicates that while the petitioners were engaged in laying piling of the house on their land, the informant and others came to their land and assaulted them.

The nature of the injuries suffered by both the victims of this case have been opined to be simple in nature except for one injury each, for which opinion has been kept reserved.



It has been submitted on behalf of the petitioners that no definite opinion has been given till date regarding the nature of one such injury on each of such victims.

Mr. Sunil Kumar, learned Advocate for the informant, on the other hand, has submitted that since the petitioners are authors of the injuries, one of which apparently appears to be grievous, they ought not to be granted anticipatory bail. He further submits that in the case lodged by petitioner no. 1 against the informant and others, all the accused persons have been granted regular bail.

Thus, it has been urged that the petitioners be also asked to surrender before the court below and seek bail.

However, regard being had to the fact that there is a counter version of the occurrence and both sides have received injuries, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial
Magistrate, Kaimur at Bhabhua in connection with Mohania
Police Station Case No. 428 of 2019, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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