

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12466 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- MADHUBAN District- East Champaran

1. SRI BHAGWAN SINGH Son of Late Yogendra Singh Resident of Village - Naurangia Tola Dih, P.S. - Madhuban, District - East Champaran.
2. Lakhindra Singh Son of Late Yogendra Singh Resident of Village - Naurangia Tola Dih, P.S. - Madhuban, District - East Champaran.
3. Jitendra Singh Son of Late Yogendra Singh Resident of Village - Naurangia Tola Dih, P.S. - Madhuban, District - East Champaran.
4. Subodh Singh Son of Late Yogendra Singh Resident of Village - Naurangia Tola Dih, P.S. - Madhuban, District - East Champaran.
5. Sujeet Singh Son of Late Yogendra Singh Resident of Village - Naurangia Tola Dih, P.S. - Madhuban, District - East Champaran.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. LAKHINDRA SINGH LATE YOGENDRA SINGH NAURANGIA TOLA DIH
3. JITENDRA SINGH LATE YOGENDRA SINGH NAURANGIA TOLA DIH
4. SUBODH SINGH LATE YOGENDRA SINGH NAURANGIA TOLA DIH
5. SUJEET SINGH LATE YOGENDRA SINGH NAURANGIA TOLA DIH

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-09-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 11.02.2021, within four weeks.

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

Learned counsel appearing on behalf of the petitioners



seeks permission to withdraw the application filed on behalf of the petitioner Nos. 1 and 4, namely, Sri Bhagwan Singh and Subodh Singh as they have already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner Nos. 1 and 4, namely, **Sri Bhagwan Singh and Subodh Singh** is dismissed as withdrawn.

The petitioner Nos. 2, 3 and 5 apprehend their arrest in connection with Madhuban P.S. Case No. 169 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 307, 325, 379 and 504 of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, Motihari, East Champaran.

The accusation is that seven persons named in the F.I.R. including the petitioner No.2, 3 and 5, namely, Lakhindra Singh, Jitendra Singh and Sujeet Singh variously armed with weapons came at the door of informant Ajay Singh and started to abuse due to previous dispute. At that time, Subodh Singh gave Farsa blow, repeatedly, at the head of Vijay Singh, brother of informant. At that time, Sujeet Singh (Petitioner No.5) also caused injury through Farsa at the head of Vijay Singh due to which he fell down. Thereafter, Abanish Kumar Singh gave Bhala blow at his chest. In the meantime, Ashutosh Kumar



caused injury through Barchhi at his leg, Sri Bhagwan Singh and Jitendra Singh (petitioner No.2) caused injury through iron rod and Lakhindra Singh also caused injury through Bhala at right hand of Vijay Singh and Jitendra Singh also caused injury through iron rod.

Learned counsel appearing on behalf of petitioners submits that, in fact, occurrence of Marpit took place due to land dispute in which petitioners' side also sustained injury regarding which Madhuban P.S. Case No. 159 of 2020 was instituted under Section 147, 148, 149, 341, 323, 324, 307, 379, 354(B) and 504 of the Indian Penal Code on the basis of fardbeyan of co-accused Bhagwan Singh against informant of the present case and others.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner Nos. 2, 3 and 5, I am not inclined to grant pre-arrest bail to them. Accordingly, their prayer for grant of pre-arrest bail stands rejected.

(Rajendra Kumar Mishra, J)

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