

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16055 of 2021

Arising Out of PS. Case No.-267 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

1. Arun Singh @ Arun Kumar, aged about 60 years, Male, S/o Chandra Shekhar Singh, R/o village- Pakariya, P.S.- Mufassil, District- Nawada.
2. Vijay Singh @ Vijay Kumar, aged about 53 years, Male, S/o Chandra Shekhar Singh, R/o village- Pakariya, P.S.- Mufassil, District- Nawada.
3. Barjesh Kumar @ Brajesh Kumar, aged about 40 years, Male, S/o Ramashish Singh, R/o village- Pakariya, P.S.- Mufassil, District- Nawada.
4. Rajesh Kumar, aged about 41 years, Male, S/o Ramashish Singh, R/o village- Pakariya, P.S.- Mufassil, District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Murari Narain Chaudhary, Advocate.
For the Opposite Party	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 307, 323, 379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 30.09.2020,



the cousin brother of the informant went to the field to see the crops of Maize where co-accused Sanjay Singh, Kunal Kumar, Ranjan Kumar, Gulshan Kumar and Bablu Kumar armed with various weapons came and started abusing filthy language. On protest by his cousin brother, co-accused Sanjay Singh called his son Kunal Kumar, nephew and other miscreants by raising voice. Thereafter, co-accused Mukesh Kumar, Rajiv Kumar, Manish Kumar, Arun Kumar, Vijay Singh, Brajesh Kumar, Rajesh Kumar and Prahalad Kumar armed with Lathi, Danda, Khanti and Garasa reached there and started assaulting on the instruction of accused Sanjay Singh. Sanjay Singh and Kunal Kumar assaulted with Garasa causing head injury. On hulla, informant's father Anil Singh and uncle Nawal Kishore Singh came to save his cousin where they saw that the accused Sanjay Singh and other miscreants were surrounding his injured brother and assaulting him. Ranjan Kumar assaulted with Khanti on the head of his cousin brother causing head injury. He fell down on the earth. Thereafter, accused Bablu Kumar gave knife blow on left eye side of his cousin brother. When the informant and his father and uncle made attempt to save his injured cousin then accused Gulshan Kumar assaulted with Garasa on the head of the informant causing head injury. Accused persons also



assaulted his father and uncle by means of Lathi, Danda. Accused Arun Singh snatched gold chain from the neck of his injured cousin. The reason behind the occurrence is stated to be land dispute.

It has been submitted by learned counsel for the petitioners that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nawada/Incharge Successor Court, in connection with Mufassil P.S. Case No. 267 of



2020/G.R. No. 3581 of 2020, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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