

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 6814 of 2020**

Arising Out of PS. Case No.-350 Year-2019 Thana- KHAIRA District- Saran

1. JAYNATH SINGH Son of Bhukhal Singh Resident of Village - Tujarpur, P.S.- Khaira, District- Saran
2. Ajit Kumar Singh Son of Jaynath Singh Resident of Village - Tujarpur, P.S.- Khaira, District- Saran
3. Manish Kumar Singh @ Manish Kumar Son of Jaynath Singh Resident of Village - Tujarpur, P.S.- Khaira, District- Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Basant Kumar Singh  
For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3      01-02-2021                      Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 147, 341, 323, 324, 354, 353, 504, 506 of the Indian Penal Code.

Informant has alleged in her written complaint that on 11.10.2019 at 9:00 AM while she was teaching in Anganwari, petitioner alongwith other co-accused armed with lathi, danda, farsa, sword etc. came there and started abusing her. On protest, petitioner no. 1 assault on her head with Garasi, petitioner no. 2 Ajit Kumar Singh assaulted by sword on her



cheek and petitioner no. 3 Manish Kumar Singh make her naked by pulling her Saree. On hulla, when her husband came to rescue her, petitioner no. 2 Ajit Kumar Singh caused injury with sword on his left leg. They also destroyed attendance register and inspection register.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case, as there is long standing enmity between the parties and earlier Khaira P.S. Case No. 170/2015 and 179 of 2019 have been filed by the petitioners against informant and others. There is also a counter case bearing complaint case No. 3583/2019.

All injuries found on person of informant are simple in nature. Both the parties are gotiyas and reside in same house and dispute is with respect to running of Anganbari Centre in the house. All family members including female members have been made accused.

Petitioners have no criminal antecedent.

Although, the learned Session Judge has observed that the offence of assault has been registered under bailable sections of IPC but injury report of injured Jayram Singh shows that the third metacarpal bone was fractured and injury is grievous in nature and assault on Jayram Singh is attributable to petitioner



no. 2 Ajit Kumar Singh, however, no such allegations of causing assault on right hand has been made in FIR.

Considering the facts and circumstances of the case, prayer of anticipatory bail of petitioner nos. 1 and 3 are allowed and petitioner nos. 1 and 3 named above in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, in connection with Khaira P.S. Case No. 350 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner nos. 1 and 3 shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.



(3) If petitioner nos. 1 and 3 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner nos. 1 and 3.

So far as petitioner no. 2 Ajit Kumar Singh is concerned as allegation against him is of assaulting Jayram Singh, who has suffered fractured injury which has been found to be grievous in nature, I am not inclined to grant him anticipatory bail, as such his application for anticipatory bail is rejected.

However, if petitioner no. 2 surrenders before the court below within eight weeks, his application for regular bail shall be considered without being prejudiced by this order.

**(S. Kumar, J)**

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