

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27355 of 2020

Arising Out of PS. Case No.-173 Year-2019 Thana- SINGHWARA District- Darbhanga

1. Ajay Lal @ Ajay Kumar Son of Shivnath Lal Resident of Village - Agayaspur, Police Station - Singhwara, District - Darbhanga.
2. Sudhir Lal Son of Jagarnath Lal Resident of Village - Agayaspur, Police Station - Singhwara, District - Darbhanga.
3. Sujeet Lal @ Sujeet Kumar Lal Son of Jagarnath Lal Resident of Village - Agayaspur, Police Station - Singhwara, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwanath Prasad Sinha, Sr. Adv.
		Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-02-2021 Heard learned Senior Counsel for the petitioners, learned A.P.P for the State and learned counsel for the informant.

The petitioners have filed the instant application for grant of anticipatory bail in connection with Singhwara P.S. Case no. 173 of 2019 registered under sections 307, 341, 323, 324, 379, 504 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated that the five named accused persons including the three petitioners herein made a demand from the informant for money for gambling and thereafter they started to abuse and assault the informant. It is stated that the informant was brutally assaulted



by *lathi* and *farsa* and other weapons as a result of which he sustained serious injuries. On his nephew Navin Kumar Lal coming to his rescue, the accused persons also assaulted to him.

It is submitted by learned Senior Counsel appearing for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. There is case and counter case between the parties and the correct version having been given in the F.I.R. at Annexure-2 lodged by the full brother of petitioner nos. 2 and 3. It is submitted that from the injury reports brought on record at Annexure-4 series, besides the injuries being simple in nature, they do not support the allegations as made in the F.I.R. So far as the brother of petitioner nos. 2 and 3 who happens to be the informant to the F.I.R. at Annexure-2 is concerned, he was himself admitted in the Darbhanga Medical College and Hospital and prescription thereof has been brought on record along with the F.I.R. The petitioners have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioners had been granted benefit of section 41A of the Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the judgment in the case of *Gauri*



Shankar Roy versus State of Bihar [2015(3)PLJR 618] together with the submissions made by learned Senior counsel for the petitioners, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Singhwara P.S. Case no. 174 of 2019, they will be enlarged on bail on each of them furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Darbhanga. subject to the conditions as laid down in section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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