

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30533 of 2020

Arising Out of PS. Case No.-109 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. SATENDRA SINGH Son of Lakshman Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
2. Jitendra Singh Son of Lakshman Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
3. Upendra Singh Son of Lakshman Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
4. Sikandar Singh Son of Lakshman Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
5. Triveni Sah Son of Late Jagnarayan Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
6. Sahdeo Singh Son of Late Subedar Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
7. Vinod Sah Son of Late Subedar Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
8. Sonu Singh Son of Rajaram Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
9. Shivmuni Singh Son of Shiv Bachan Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.
10. Munshi Singh Son of Late Ram Awatar Singh Resident of Village- Itahi, P.S.- Kudra, District- Kaimur, Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection



with Kudra P.S.Case no. 109 of 2020, registered under sections 147, 148, 149, 341, 323, 325, 337, 307, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., all the accused persons are stated to have assaulted the informant and others by various means. It is further stated that petitioner no.1 assaulted Surendra Tiwary with the butt of the rifle and petitioner no.2 assaulted Yogendra Tiwary with the butt of the gun causing injuries.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted and the true manner of the occurrence has been narrated in the FIR lodged by the sister-in-law of petitioner no.5 which has been brought on record as Annexure-2 to the petition. It is submitted that even accepting the case of the prosecution for the sake of argument, the so called injuries attributed to petitioner no.1 and 2 have been found to be simple in nature.

The application for bail is opposed by the learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts that so far as the allegation against petitioners no.1 and 2 are concerned, the corresponding injuries have been found in the injury report, the Court is not



inclined to enlarge the petitioner no.1 and 2 on anticipatory bail and their application is rejected.

However, in case, they surrender within a period of six weeks, their application for bail shall be considered without being prejudiced by this order of rejection.

So far as petitioners nos. 3, 4, 5, 6, 7, 8, 9 and 10 are concerned, this Court is inclined to enlarge the petitioners on bail. The petitioners nos. 3, 4, 5, 6, 7, 8, 9 and 10 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 Kudra P.S.Case no. 109 of 2020, 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 Chief Judicial Magistrate, Kaimur at Bhabua, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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