

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29939 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- KOCHAS District- Rohtas

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1. BIRENDRA SINGH S/o Ram Keshwar Singh Resident of Umapur, P.S.-Kochas (Parsathua O.P.), District-Rohtas.
 2. Dharmendra Singh S/o Late Kashi Nath Singh Resident of Umapur, P.S.-Kochas (Parsathua O.P.), District-Rohtas.
 3. Mathura Singh S/o Ramadhar Singh Resident of Umapur, P.S.-Kochas (Parsathua O.P.), District-Rohtas.
 4. Sunil Singh S/o Mathura Singh Resident of Umapur, P.S.-Kochas (Parsathua O.P.), District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate
For the State : Mr. Sakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2021 Heard Mr. Kamla Kant Pandey, learned counsel for the petitioners and Mr. Sakir Ahmad, learned Additional Public Prosecutor appearing for the State.

Petitioner apprehends arrest in connection with Kochas (Parsathua O.P.) P.S. Case No. 22 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354, 379, 307 and 504 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that the petitioners along with other co-accused persons abused and assaulted the informant with *lathi*, *danda* etc. and when the



informant raised alarm, one person namely, Hira Singh came to rescue her, he was also assaulted by the petitioners and others and co-accused Nitish Kumar attempted to kill Hira Singh when he came to rescue the informant.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to previous land dispute inasmuch as the husband of the informant namely, Santosh Singh is an accused in Sessions Trial No. 543 of 2018 arising out of Kochas (Parsathua O.P.) P.S. Case No. 141 of 2018 lodged by one Harendra Singh in which petitioner No. 1, 3 and 4 are prosecution witnesses. Learned counsel also submits that both the parties are agnates and there is land dispute between them. Learned counsel referring to Annexure-2 submits that after bail application of husband of the informant Santosh Singh was rejected by a co-ordinate Bench of this Court vide order dated 5.2.2020 passed in Cr. Misc. 6788 of 2020, the present First Information Report has been lodged in order to falsely implicate the petitioners. Learned counsel next submits that there is no specific allegation of assault against the petitioners and no grievous injury has been caused to the informant and others.



Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that both the parties are agnates, there is previous land dispute between them and the allegation against the petitioners is general and omnibus in nature, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Rohtas at Sasaram, in connection with Kochas (Parsathua) P.S. Case No. 22 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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