

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31996 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- TARAIYA District- Saran

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1. Subodh Kumar @ Subodh Kumar Singh, aged about 29 years (Male) Son of Narendra Singh @ Deepak Singh.
 2. Kuber Singh @ Kuber Kumar, aged about 26 years, (Male) Son of Narendra Singh @ Deepak Singh.
 3. Manish Kumar @ Manish Kumar Singh, aged about 24 years (Male), Son of Ramnath Singh.
 4. Chandan Kumar @ Chandan Kumar Singh, aged about 25 years (Male), Son of Bhushan Singh.
All residents of Village-Saraiya Basant, PS-Taraiya, District-Saran-841401.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Manan Khan, Advocate
For the State	:	Mr. Uday Pratap Singh, APP
For the Informant	:	Mr. Radha Mohan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Abdul Manan Khan, learned counsel for the petitioners; Mr. Uday Pratap Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Radha Mohan Singh, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Taraiya PS Case No. 153 of 2020 dated 16.05.2020, instituted under Sections 341, 323, 342, 324, 307/34 of the Indian Penal



Code to which later on Section 302 of the Indian Penal Code was added and 27 of the Arms Act, 1959.

4. The allegation against the petitioners is of assault on the informant party and specifically against petitioner no. 1 and 3 that it resulted in injury on Jay Prakash Singh, against petitioner no. 3, the allegation is that he handed over the pistol to co-accused Pankaj Singh, who has fired on the informant in the abdomen, whereas against petitioner no. 4 is of assault by sword on the head of Kailash Singh.

5. Learned counsel for the petitioners submitted that the incident took place due to long standing rivalry and enmity between the parties and for the same incident, there is also a counter case and the petitioners' side has also suffered injuries. It was submitted that the assault attributed to petitioners no. 1 and 3 has resulted in injury of simple nature. It was submitted that except for petitioner no. 1 against whom there are two more cases and petitioner no. 3 against whom there is one case, the petitioners no. 2 to 4 have clean antecedent. It was submitted that against petitioner no. 4 though there is allegation of assault by sword on the head of Kailash Singh, but the injury report discloses that only a lacerated wound was found on the head which was simple in nature caused by hard blunt substance.



6. Learned APP submitted that there is allegation of assault against the petitioners.

7. Learned counsel for the informant submitted that the blow by petitioners no. 1 and 3 has resulted in injuries on Jay Prakash Singh and petitioner no. 2 was instrumental in the gun shot injury on the informant as he had handed over the weapon to co-accused Pankaj Singh and against petitioner no. 4, is that he had hit on the head of Kailash Singh with a sword. However, it was not controverted that the injury caused on Jay Prakash Singh and Kailash Singh are simple in nature caused by hard blunt substance.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Saran at Chapra in Taraiya PS Case No.153 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute



bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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