

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31557 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- AURAI District- Muzaffarpur

1. TEJ NARAYAN SINGH Son of Lated Rajendra Singh Resident of Village- Ramnagara, P.S.- Aurai, District- Muzaffarpur.
2. Upendra Singh Son of Tej Narayan Singh Resident of Village- Ramnagara, P.S.- Aurai, District- Muzaffarpur
3. Supendra Singh @ Sopendrasingh Son of Tej Narayan Singh Resident of Village- Ramnagara, P.S.- Aurai, District- Muzaffarpur.
4. Surendra Singh Son of Vijay Singh Resident of Village- Ramnagara, P.S.- Aurai, District- Muzaffarpur
5. Harendra Singh @ Harindra Singh Son of Vijay Singh Resident of Village- Ramnagara, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2021 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition with regard to petitioner no. 1 and petitioner no. 5, as during pendency of this case, petitioner no. 1 and petitioner no. 5 have already been arrested.

Prayer is allowed. The anticipatory bail petition with regard to petitioner no. 1 and petitioner no. 5 is dismissed as withdrawn having become infructuous.

Heard learned counsel for the petitioners and learned counsel for the State.



The petitioners apprehend their arrest in Aurai P.S. Case No. 76 of 2020, registered for the offences punishable under Sections 147, 148, 341, 323, 324, 325, 307, 379, 354 and 506 of the Indian Penal Code.

Prosecution case in brief is that on 06.04.2020 at 2.00 pm, all the accused persons including these petitioners started constructing house on the government land and is the passage of the informant. It is further alleged that when the same was protested by the informant, co-accused Vijay Singh assaulted the informant with Garasa on his head causing head injury. Informant's mother was also assaulted by the co-accused Lakhindra Singh and petitioner no. 4 causing fracture injury to her backbone. It is further alleged that when informant's father came to save, petitioner no. 5 inflicted Garasa blow on his hand causing head injury. It is further alleged that accused Ravindra Singh, petitioner no. 2 and petitioner no. 3 assaulted Diplal Singh by Farsa, Bhala causing cut injury in his left hand and petitioner no. 2 and co-accused Indal Singh inflicted Farsa blow causing head injury to him. Petitioner no. 1 is alleged to have inflicted lathi blow to Awadh Kishore Singh causing injury to him. Petitioner no. 5 snatched gold Mangalsutra of informant's mother.



It is submitted that petitioners have been falsely implicated in this case. There is case and counter case and co-accused Vijay Singh inflicted has filed Aurai P.S. Case No. 79 of 2020 against the informant and his family members and in order to save their skin this false case has been lodged. There is land dispute between the parties and a title suit bearing no. 224 of 2020 is also going on between the parties. Injuries have been found to be simple in nature. Petitioners have got clean antecedent, except petitioner no. 2 and petitioner no. 3.

Considering the facts aforesaid, the petitioner nos. 2, 3 and 4 above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge 14th-cum-Additional Chief Judicial Magistrate 13th, Muzaffarpur in connection with Aurai P.S. Case No. 76 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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