

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3961 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- MUFFASIL District- Aurangabad

-
1. SHANKAR SAO, S/o Devnendra Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 2. Surendra Sao S/o Devndra Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 3. Bishwanath Sao S/o Late Ramdhani Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 4. Jagarnath Sao S/o Late Ramdhani Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 5. Sandip Sao @ Sandip Kumar Saw S/o Bishwanath Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 6. Moti Pal S/o Vikash Pal Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 7. Nitesh Sao S/o Jagarnath Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 8. Saroj Sao S/o Dinanath Sao Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 9. Satendra Yadav S/o Shiv Nandan Yadav Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 10. Shiv Nandan Yadav S/o Late Jageshwar Yadav Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 11. Lalu Yadav S/o Late Faudar Yadav Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).
 12. Ranjan Yadav S/o Late Ram Jatan Yadav Resident of Village- Biseni, P.S.- Aurangabad (Muffasil), District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 05-08-2021 Heard Mr. Krishna Prasad Singh, learned senior Advocate for the petitioners and Ms. Asha Devi, learned APP for the State.

At the outset, Mr. Krishna Prasad Singh, learned senior Advocate submits that he does not press the application with respect to petitioner nos. 1, 3, 4 and 8, as they are specifically alleged to have assaulted some of the persons of the prosecution party, who have received grievous injuries.

The prayer with respect to petitioner nos. 1, 3, 4 and 8 is, therefore, dismissed as not pressed, so as to enable them to surrender before the court below and seek bail. As and when their application shall be filed before the court below, such applications shall be dealt with appropriately, without being prejudiced by the fact



that their petition for anticipatory bail was not pressed before this Court.

So far as petitioner nos. 2, 5, 6, 7 and 9 to 12 are concerned, they seek bail in anticipation of their arrest in connection with Aurangabad (Muffasil) P. S. Case No. 46 of 2020, dated 05.04.2020, instituted for the offences under Sections 307, 379, 341, 325, 323, 504, 506, 147 and 149 of the Indian Penal Code.

There is a general and omnibus allegation on all the accused persons including the petitioners of assaulting the members of the prosecution party. The injuries caused by the afore-noted petitioners are all simple in nature.

There is a counter version of the occurrence also lodged by the wife of one of the co-accused persons of this case, namely, Bishwanath Sao against the informant and others of the subject F.I.R.

Shri Singh, learned senior Advocate for the petitioners has submitted that in the clash between two



groups of people, it was difficult for anyone to have specifically noticed the overt act of each and every accused persons of this case.

It has also been impressed upon this Court that from the perusal of the subject F.I.R. as well as the counter case, it would appear that the prosecution side is the aggressor.

Be that as it may, regard being had to the background facts and taking into account that the petitioner nos. 2, 5, 6, 7 and 9 to 12 have not caused any grievous injury on anyone of the victims, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Muffasil) P.



S. Case No. 46 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

The application stands disposed off.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

