

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1172 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- BAHADURPUR District- Darbhanga

1. LALIT KUMAR SINGH SON OF SIKANDER SINGH RESIDENT OF VILLAGE KHAIRA, P.S.-BAHADURPUR (PATOR OP), DISTRICT-DARBHANGA.
2. DHARMENDRA KUMAR SINGH S/O SIKANDER SINGH RESIDENT OF VILLAGE KHAIRA, P.S.-BAHADURPUR (PATOR OP), DISTRICT-DARBHANGA.
3. RAJEEV KUMAR SINGH S/O LATE RAM SOGARATH SINGH RESIDENT OF VILLAGE KHAIRA, P.S.-BAHADURPUR (PATOR OP), DISTRICT-DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shama Sinha, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar-2, APP
For the Informant	:	Ms. Anju Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-09-2021 Heard Ms. Shama Sinha, learned Advocate for the petitioner and Ms. Anju Jha, for the informant. The State is represented by Mr. Binod Kumar-2, learned APP for the State.

Ms. Shama Sinha, learned Advocate for the petitioners has submitted that the case of petitioner no. 2 was earlier dismissed as having become infructuous.

The petitioners no. 1 and 2 seek bail in anticipation of their arrest in connection with CRI-1404 OF 2020, arising out of Bahadurpur (Pator O.P.) P.S. Case No. 217 of 2020 dated 20.05.2020 instituted for



the offences under Sections 147, 148, 149, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

It has been alleged in the FIR that for allowing one Pravin Kumar Singh to come to the house of the informant, who had married a lady of the same village and which was to the dislike of the accused persons, the informant and his brother were assaulted by petitioners no. 1 and 2. Petitioner no. 1 is specifically alleged to have assaulted the informant whereas the petitioner no. 2, who is said to have attacked the brother of the informant, who had come for his rescue.

Though the informant has received simple injuries and there has been no assessment of the nature of injury on the brother of the informant but according to the learned counsel for the informant, both have received such internal injuries which might make their life difficult to live. There has been fracture of maxilla bone in the nasal cavity.

Assuming but not commenting on the aforesaid nature of injury, Ms. Jha, learned Advocate for the informant has also submitted that the reason for the attack on the informant and his brother also speaks volumes about the audacity of the accused persons.

As opposed to the aforesaid contention, Ms. Sinha, learned Advocate for the petitioners no. 1 and 2



has submitted that all said and done, the injuries are simple in nature. Apart from this, it has been submitted that there is a counter version of the case and in that case, the accused persons have been accorded the privilege of police bail. Thus, on grounds of parity also, Ms. Sinha seeks anticipatory bail for petitioners no. 1 and 2.

This Court had by order dated 13.08.2021 called for the case diary and had granted provisional bail to the petitioners no. 1 and 2.

After having heard the counsel for the parties and having perused the records including the police papers, it appears that petitioners no. 1 and 2 took an active part in assaulting the informant and his brother only for the reason of allowing Pravin Kumar Singh who had married somebody to the dislike of the villagers, and has caused injuries to them. For the aforesaid reasons, I am not inclined to extend the privilege of provisional bail.

The order granting provisional bail to the petitioners no. 1 and 2 is hereby recalled.

The petition for anticipatory bail is rejected.

However, if the petitioners no. 1 and 2 surrender before the court below and seek bail, it shall be considered on its own merits, taking into account the



nature of injuries, the existence of counter case and that they have no criminal antecedents, and an order shall be passed in accordance with law without being prejudiced by the fact that the present petition on their behalf has not been entertained.

(Ashutosh Kumar, J)

krishna/-

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

