

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1195 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- DARAUNDA District- Siwan

1. UMESH SINGH, (M), aged about 52 years, Son of Late Bhim Singh, Resident of Village - Pinarthu Kala, P.S.- Daraunda, Distt.- Siwan.
2. PAWAN KUMAR, (M), aged about 20 years, Son of Umesh Singh, Resident of Village - Pinarthu Kala, P.S.- Daraunda, Distt.- Siwan.
3. SHANTI DEVI, (F), aged about 50 years, W/O Umesh Singh, Resident of Village - Pinarthu Kala, P.S.- Daraunda, Distt.- Siwan.
4. ANJALI KUMARI, (F), aged about 23 years, D/O Umesh Singh, Resident of Village - Pinarthu Kala, P.S.- Daraunda, Distt.- Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

|                        |   |                                     |
|------------------------|---|-------------------------------------|
| For the Petitioners    | : | Mr. Gajendra Kumar Singh, Advocate. |
| For the Informant      | : | Mr. Ajay Kumar Tiwari, Advocate.    |
| For the Opposite Party | : | Mr. A.G                             |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      26-07-2021                      Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324 and 307/34 of the I.P.C.

The prosecution story, in brief, is that on 11.08.2020 at about 9.30 A.M., the informant was at his house, at the same



time, his brother Umesh Singh, Pawan Kumar Singh (nephew), Shanti Devi (Bhawe) and Anjali Kumari, the daughter of Umesh Singh, holding Lathi and Tangi came there and started abusing the informant, when he protested, Umesh Singh gave Tangi blow upon his head that caused cut injury on his nose and he fell down. Thereafter, the son, wife and daughter of Umesh Singh assaulted him by means of Lathi. He sustained several injuries on his person, when his son came in rescue, he has also been assaulted by these petitioners. The informant got treatment at Daraunda, P.H.C. from where he was referred to Sadar Hospital, Siwan.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. As far as petitioner nos. 2 and 4 are concerned, general and omnibus allegation has been made against them. No specific overt act is alleged against them. The petitioner nos. 3 and 4 are ladies.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. There is specific allegation alleged against petitioner no. 1 for



assaulting the victim on his nose. Nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no. 1, namely, Umesh Singh. The same is rejected in connection with Daraunda P.S. Case No. 225 of 2020, pending in the court of learned Judicial Magistrate, Siwan.

If the petitioner no. 1, namely, Umesh Singh, surrenders in the learned court below and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

Let the petitioner nos. 2, 3 and 4 above named, (except petitioner no. 1, namely, Umesh Singh) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Judicial Magistrate, Siwan, in connection with Daraunda P.S. Case No. 225 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 2, 3 and 4 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each



within a period of eight weeks to the satisfaction of the court  
concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

U.K./-

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