

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4623 of 2021

Arising Out of PS. Case No.-372 Year-2020 Thana- BARHARA District- Bhojpur

1. SANJAY SINGH @ GOPAL SINGH son of Late Jagarnath Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
2. Butan Singh @ Satrudhan Singh Son of Late Jagarnath Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
3. Dhruv Singh @ Dhruvnath Singh Son of Late Ram Sakal Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
4. Ram Kripal Singh Son of Late Ravindra Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
5. Gupteshwar Singh Son of Late Ravindra Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
6. Raj Kumar Singh @ Butan Singh Son of Late Ram Prasad Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
7. Anup Singh @ Anuj Singh @ Anuj Kumar Singh Son of Rajdev Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
8. Ranjan Singh @ Ranjan Kumar Singh Son of Late Ram Kumar Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.
9. Munna Singh Son of Late Tilak Singh Resident of Village - Gundi, P.S. - Krishnagarh, O.P. Barhara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv. Mr. Brajesh Prasad Gupta, Adv.
For the Opposite Party/s	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 At the outset, the learned Senior counsel for the petitioners, Shri Baxi S.R.P. Sinha, submits that the petitioners no. 5,6 and 9 have already been arrested, hence the present petition is not being pressed qua them. Accordingly, the present



petition qua the petitioners no. 5,6 and 9 stands dismissed as not pressed.

At this juncture, the learned Senior counsel for the petitioner no.7 also seeks to withdraw the present petition qua him in order to enable him to surrender before the learned court below and seek regular bail. Accordingly, the present petition stands dismissed as withdrawn qua the petitioner no. 7, however, with liberty to him to surrender before the learned court below and seek regular bail.

Heard.

The petitioners no. 1 to 4 and 8 apprehend their arrest in connection with Barhara P.S. Case No. 372 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 307 and 337 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners having tried to uproot the brick soling present at the place of occurrence, which was objected to by the informant resulting in the accused persons having assaulted the informant, his brother Subodh Kumar Singh and his nephew Vikram Kumar. It is alleged that the petitioner no. 7 Anup Singh had given iron blow on the head of the informant resulting in him sustaining injury. As far as the other accused persons are



concerned, a general and omnibus allegation has been levelled.

The learned Senior counsel for the petitioners has submitted that as far as the petitioners no. 1 to 4 and 8 are concerned, they are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is also submitted that the said petitioners have not engaged in any sort of assault upon the injured persons and a general and omnibus allegation has been levelled, as against them. Lastly, it is submitted that the present case is a counter blast case to the case filed by the petitioners at the first instance and in fact four of the members of the petitioners' side were injured seriously.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior counsel for the petitioners as also taking into account the fact that no allegation of any sort of overt act has been levelled against the petitioners no. 1 to 4 and 8 and moreover, they are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 1 to 4 and 8 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of four weeks from today before the learned court



below, the petitioners no. 1 to 4 and 8, above -named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara P.S. Case No. 372 of 2020, subject to the condition as laid down under section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

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

