

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5543 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- BARUN District- Aurangabad

1. RAMAUTHAR SINGH Son of Suresh Singh Resident of Village - Pandit Bigha, P.S.- Barun, Distt.- Aurangabad. (Bihar)
2. Krishna Singh Son of Suresh Singh Resident of Village - Pandit Bigha, P.S.- Barun, Distt.- Aurangabad. (Bihar)
3. Suresh Singh Son of Late Somar Singh Resident of Village - Pandit Bigha, P.S.- Barun, Distt.- Aurangabad. (Bihar)
4. Pramod Kumar Son of Naresh Singh Resident of Village - Pandit Bigha, P.S.- Barun, Distt.- Aurangabad. (Bihar)
5. Budhan Singh Son of Ramdeyal Singh Resident of Village - Pandit Bigha, P.S.- Barun, Distt.- Aurangabad. (Bihar)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 18.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioner Nos. 1 and 4, namely, Ramautar Singh and Pramod Kumar, respectively, seeks permission to withdraw the application filed on behalf of the petitioner Nos. 1 and 4 as they have already been apprehended by the Police.



In view of the above, the application filed on behalf of the petitioner nos. 1 and 4, namely, Ramautar Singh and Pramod Kumar, respectively, is dismissed as withdrawn.

Heard learned counsel appearing for the petitioner Nos. 2, 3 and 5, namely, Krishna Singh, Suresh Singh and Budhan Singh, respectively, and the learned A.P.P. for the State.

The petitioners No. 2, 3 and 5 apprehend their arrest in connection with Barun P.S. Case no. 52 of 2020, registered under Sections 341, 323, 325, 307 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 24.02.2020, informant Anil Kumar was present at his door, in the meantime, Ramautar Singh, Krishna Singh (Petitioner No.2), Suresh Singh (Petitioner No.3), Pramod Kumar and Budhan Singh (Petitioner No.5), variously armed with weapons, came at his door and started to abuse saying that if he wants to park the vehicle and ply the same, he should pay Rs. 5,000/- per month otherwise he will be killed. Thereafter, Pramod Kumar caught hold his hand and Budhan Singh (Petitioner No.5) asked to kill him then Ramautar Singh and Krishna Singh (Petitioner No.2) caused blood oozing injury through iron rod at his head and Suresh Singh (Petitioner No.3) started to press his neck through iron



rod. On raising alarm, the villagers rushed there then all fled away from the spot.

Learned counsel appearing for petitioner Nos. 2, 3 and 5, namely, Krishna Singh, Suresh Singh and Budhan Singh, respectively, submits that only two injuries, which is said to be caused by Ramautar Singh and Krishna Singh (Petitioner No.2) through iron rod, were found on the scalp, which are lacerated in nature, in dimension of 1”X1/4” and 1/4”X1/4” scalp deep on the head of informant and the opinion has been kept reserved. Further submission is that, in fact, the injuries as sustained by the informant at the time of quarrel due to falling on the ground, but informant lodged the present case. Moreover, victim/informant has filed compromise petition in the Court of learned Chief Judicial Magistrate, Aurangabad on 07.11.2020, which would appear from Annexure-P/2. The petitioner Nos. 2, 3 and 5, namely, Krishna Singh, Suresh Singh and Budhan Singh, respectively, have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 2, 3 and 5, namely, Krishna Singh, Suresh Singh and Budhan Singh, respectively, be released on bail, in the event of their arrest or surrender before



the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 52 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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