

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10036 of 2021**

Arising Out of PS. Case No.-141 Year-2020 Thana- KHAJAULI District- Madhubani

1. Hira Singh, Male, aged about 58 years, Son of Late Nageshwar Singh, Resident of Village-Tarapatti, P.S.-Khajauli, District-Madhubani.
2. Diljit Singh @ Bablu Singh, Male, aged about 40 years, Son of Late Nageshwar Singh, Resident of Village-Tarapatti, P.S.-Khajauli, District-Madhubani.
3. Jaswant Singh @ Banti Singh, Male, aged about 35 years, Son of Hira Singh, Resident of Village-Tarapatti, P.S.-Khajauli, District-Madhubani.
4. Balwant Singh @ Vicky, Male, aged about 32 years, Son of Hira Singh, Resident of Village-Tarapatti, P.S.-Khajauli, District-Madhubani.
5. Sumant Singh @ Pintu, Male, aged about 25 years, Son of Hira Singh, Resident of Village-Tarapatti, P.S.-Khajauli, District-Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

|                     |   |                                    |
|---------------------|---|------------------------------------|
| For the Petitioners | : | Mr. Rama Kant Singh, Advocate.     |
| For the Informant   | : | Mr. Durgesh Kumar Singh, Advocate. |
| For the State       | : | 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, learned counsel for the informant 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, 363/511, 354, 324, 307, 504/34 of the I.P.C. and 27 of the Arms Act.



The prosecution story, in brief, is that on 20.07.2020 around 11.30 A.M., there was a life threatening attack on the informant and for that he had lodged Khajauli P.S. Case No. 135/2020. Though the C.I. Khajauli Anchal, tried to mediate in the matter but when the petitioners came to know about that they planned a criminal conspiracy and tried to kidnap his daughter. When he came to know about this incident, he alongwith his nephew, namely, Anand Kumar Singh @ Rahul and his father Arvind Kumar Singh went to bring back his daughter, then the petitioners alongwith 20 other persons started firing by rifles and pistols on them. Hira Singh fired upon the informant which hit on his left thigh and bullet fired by Diljit Singh which hit below the right knee of Anand Kumar Singh @ Rahul and he fell down. Jaswant Singh @ Banti fired from the pistol which hit lower part of right leg of Shiv Shankar and he too fell down. When the villagers assembled the petitioners made firings and ran away. It is further alleged that Khajauli P.S. Case No. 143/2011 was instituted against Hira Singh, Diljit Singh and two sons of Hira Singh under the Arms Act. In 1983-84, Hira Singh had fired on Radhey Yadav and for that there was an attachment proceeding was initiated against him and on 21.12.1999, one country made pistol was recovered from Bullet



bike of Hira Singh. On earlier occasion also, the petitioners had tried to create terror in village.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Injury is said to be on non-vital part of the body of the victims. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. F.I.R. has been instituted after three days of the alleged occurrence. Delay has not been explained by the prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, 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-Ist Class, Madhubani, in connection with Khajauli P.S. Case No. 141/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners 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)**

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