

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10751 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- KUTUMBA District- Aurangabad

1. UDAY NARAYAN SINGH @ BIRENDRA SINGH Son of Late Shyamta Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
2. Dilip Singh Son of Late Shyamta Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
3. Mukesh Singh Son of Dilip Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
4. Vivek Singh @ Vivek Kumar Singh Son of Dilip Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
5. Baij Nath Singh @ Baidya Nath Singh Son of Late Shyamta Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
6. Abhishesh Singh @ Tutun Son of Baij Nath Singh @ Baidya Nath Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
7. Pappu Kumar Singh @ Pappu Singh Son of Nirmal Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
8. Anuj Kumar Singh @ Anuj Singh Son of Uday Narayan Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
9. Indal Singh Son of Late Ramta Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
10. Upkar Singh Son of Late Ramta Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.
11. Dharendra Singh Son of Late Ramta Singh Resident of Village-Chakua, P.S.-Kutumba, District-Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-12-2021 Heard Mr. Sanjay Kumar, learned Advocate for
the petitioners and Mr. Ram Anurag Singh, learned APP
for the State.



Learned counsel for the petitioner seeks permission to withdraw the application with respect to petitioner no. 1 (Uday Narayan Singh @ Birendra Singh), who has died during the pendency of this bail petition.

The prayer for bail with respect to petitioner no. 1 is dismissed as having become infructuous.

The petitioners no. 2 to 11 seek bail in anticipation of their arrest in connection with Kutumba P.S. Case No. 16 of 2020 dated 07.02.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 337, 338, 307 and 379 of the Indian Penal Code.

All of them are stated to have assaulted the informant and another person who came to his rescue. No specific weapon of assault or overt act has been attributed to anyone of the petitioners. Though, two persons are said to have been injured but the injury report of only the informant is available on record.

Initially, the injury on the informant was found to be in the nature of lacerated wound and swelling. However with the investigative reports of CT scan, the injury was found to be grievous as there was fracture of internal bone.

Learned counsel for the petitioners has submitted that the son of the accused/petitioner no. 1



(Uday Narayan Singh @ Birendra Singh) has also lodged the counter version of this case in which three persons from the side of the petitioners have been injured; though the injuries suffered by them is reported to be simple in nature.

It has further been submitted that there is a dispute over a plot of land between the parties. From the nature of injury suffered by the informant, the learned counsel for the petitioner has deduced that there might have been an occurrence in which both sides have fought against each other but unfortunately one of the injuries suffered by the informant turned out to be grievous.

From the first injury report of the informant, it does not appear to be one which has been caused with the intention of causing any life threatening injury on him. In the melee where parties were fighting over a plot of land, it was difficult to anybody to ascertain as to whose attack actually caused the grievous injury.

In any view of the matter, taking into account that there is a case and a counter case and persons from both sides have been injured and that there is a general allegation against all the petitioners, they (petitioners no. 2 to 11) are directed to be released on bail, in the event of their arrest or surrender before the court below within



a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 16 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

While saying so, the Court has also taken note of the fact that the petitioners no. 2 to 11 have not been made accused in any criminal case apart from this so far.

(Ashutosh Kumar, J)

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