

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3534 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- RAGHUNATHPUR District- Siwan

1. SANJAY KUMAR SINGH S/o Om Prakash Singh R/o village- Santhi, P.S.- Raghunathpur, District- Siwan
2. Nirbhay Singh @ Nirbhay Kumar Singh S/o Om Prakash Singh R/o village- Santhi, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Abhay Kumar Roy, A.P.P.
	Mr. Krishna Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354A and 34 of the Indian Penal Code.

The informant alleges that on 26.07.2021 at about 6:00 PM, while she was going to attend nature's call and reached near the field, petitioner no. 1 caught her and thrashed her and tried to molest her, it is next alleged that on screaming of the informant, co-accused Aditya Singh and Hajaari Singh came at the place of occurrence and started tearing her cloths and when the informant protested, petitioner no. 1 assaulted her



with dab causing injury on her head and when her family members came, it is alleged that the accused persons also assaulted them. It is further alleged that brother-in-law of the informant was assaulted by Aditya Singh and Hajari Singh causing injury on his legs and ribs, further Abhimanyu Singh fired in the air and threatened to kill the informant.

The learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of one case and they have been falsely implicated in the present case. It is next submitted that allegation of assault is against Aditya Singh and Hazari Singh and as far as allegation of assaulting the informant by petitioner no.1 is alleged, the injury suffered is simple in nature as would be evident from Annexure-3 to the anticipatory bail application. Learned counsel next submits that the dispute arose on account of the fact that the petitioners informed the authorities that under the Nal-Jal Yojna, the tank which was installed was on the *gairmajarua* land and the informant by misleading the authorities, has taken the compensation for the same.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned



counsel for the petitioner that the injuries suffered by the injured are simple in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwan in Raghunathpur P.S. Case No. 138 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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