

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4029 of 2022

Arising Out of PS. Case No.-406 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. Sudhir Singh @ Sudhir Kumar S/O Singheshwar Singh R/O Village- Baitapur, P.S.- Sahebganj, District-Muzaffarpur
2. Kameshwar Sah S/O Shatrudhan Sah R/O Village- Baitapur, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shashi Bhushan Kumar
For the Opposite Party/s :	Mr. Md. Ataur Rahman
	Mr. Deepak Sahay Jamuar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 307 and 379/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and the informant alleges that he is father-in-law of the Mukhiya and on 01.09.2021 at about 3.20 P.M., he had gone to inquire with regard to construction of road where all senior officers were also present. In the meanwhile, eight named accused persons including the petitioners and some unknown started assaulting in front of the officers and when the officers left, all the



accused dragged him to the house of Sudhir Singh @ Sudhir Kumar (petitioner no.1) and locked the informant in a room. It is next alleged that accused tied a scarf around the informant's neck and even assaulted him with rod on his head which he sustained injuries. It is next alleged that accused persons assaulted him with knife on his face causing injury and even snatched his mobile and Rs.5,000/-.

The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are general and omnibus in nature. It is next submitted that there is no specific allegation of assault against the petitioners. It is further submitted that it absolutely does not stand to reason that as to why the informant being father-in-law of the Mukhiya had gone for making inquiry with respect to construction also, this amply demonstrates that it is not the Mukhiya, who is looking after the welfare of the people rather his father-in-law, who actively participates and thus, interferes in the working of the panchayat. It is next submitted that petitioners have been implicated on account of local politics and the petitioners earlier had given a complaint against the informant regarding misappropriation of money as specifically pleaded at Para-7 of the anticipatory bail application. The learned counsel thus submits that this perhaps explains why the informant falsely implicated the petitioners without alleging any overt act of assault.

The learned counsel for the informant as well as the



learned Additional Public Prosecutor opposes the anticipatory bail application, but are not in a position to meet the submission of the learned counsel for the petitioners that informant had absolutely no concern nor any jurisdiction to go to the place of occurrence for making inspection as father-in-law of the Mukhiya.

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 Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sahebganj P. S. Case No.406 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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