

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10690 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- ATRI District- Gaya

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AMLESH SINGH @ AMLESH KUMAR SON OF LATE DINESH SINGH
RESIDENT OF VILLAGE- BELA, P.S.- ATRI, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP
For the Informant	:	Mr.Gajendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 447, 448, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that her father had been elected as *Mukhiya* on 10.10.2021 and on 11.10.2021 at 7:00 AM, informant's father and family members were preparing for *puja* at their home when 20 accused persons, including the petitioners, came variously armed and thereafter it is alleged that all the accused started abusing the informant's father as informant's father was previously threatened not to contest the election. It is next alleged that Simlesh Singh tried to fire at the



informant's father but was stopped by other people, further the petitioner assaulted the father of the informant with an iron rod, Kamlesh Singh and three other accused assaulted informant and her father with *lathi* and rod causing injury on head of her uncle, cousin and mother. It is next alleged that six other accused assaulted three other people who came to save the informant's father with rifle butt, *lathi* and rod, thereafter stones were pelted and articles kept for worship were destroyed including three vehicle, thereafter police came and the victims were taken to the hospital.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and from perusal of the allegation as alleged in the F.I.R. it would manifest that the occurrence is alleged to have taken place on account of dispute relating to *panchayat* election, it is next submitted that 20 accused persons have been roped in the present case, it is also submitted that though it is alleged that accused persons assaulted but then the allegation of assault is general and omnibus in nature. Learned counsel further submits that no doubt from the side of the informant people were injured but then all the injuries suffered are simple except one which is said to be grievous which was inflicted by the accused persons on



Parvinder Singh, uncle of the informant (injury on head). It is next submitted that there is only one injury on head of Parvinder Singh as such it cannot be said that all the accused persons assaulted him. Learned counsel thus submits that the informant has tried to falsely implicate the entire family members of the petitioner only with a view to create pressure on account of dispute relating to election, it is next submitted that had all the accused persons assaulted Parvinder Singh then definitely only one injury would not have been found and also the F.I.R. does not even remotely suggest that as to who assaulted Parvinder Singh causing injury on his head which is said to be grievous.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that there is no specific allegation of assault against the accused persons that as to who assaulted Parvinder Singh causing grievous injury

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Atri P.S. Case No. 332 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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