

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10974 of 2022

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

1. SIMLESH KUMAR Son of Late Dinesh Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
2. Ranveer Singh @ Mohit Kumar @ Ranveer Kr Kamlesh Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
3. Rajesh singh @ Rajesh Kumar Singh Son of Late Talkeshwar Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
4. Kamlesh singh @ Karu Singh Son of Late Dinesh Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
5. Mithlesh Singh Son of Late Dinesh Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
6. Raushan Kumar Son of Late Jay Ram Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
7. Vivek singh son of Talkeshwar Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
8. Bhushan Singh Son of Late Surendra Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
9. Ankit Kumar @ Ankit Singh son of Manoj Kumar Resident of Village - Bela, P.S. - Atri, District - Gaya.
10. Aryan Kumar Son of Manoj Kumar Resident of Village - Bela, P.S. - Atri, District - Gaya.
11. Manjay Kumar @ Manjhi Manjay Singh Bahadur Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
12. Golden Kumar Son of Vivek Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
13. Himanshu Kumar Son of Vivek singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
14. Nandan Kumar Son of Arun Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.
15. Priyaranjan Kumar @ Sonu son of Arun Singh Resident of Village - Bela, P.S. - Atri, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 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 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 petitioner no.1 tried to fire at the informant's father but was stopped by other people, Amlesh Singh assaulted the father of the informant with an iron rod, petitioner no.4 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 petitioners submits that the petitioner no.1 and 3 have antecedent of two cases, petitioner no.4 has antecedent of one case, petitioner no.7 has antecedent of four cases and rest of the petitioners are persons with clean antecedent, it is next submitted that inadvertently the said fact could not be stated at paragraph '3' of the anticipatory bail application as such petitioner is permitted to rectify the same.

Learned counsel for the petitioners submits that from perusal of the allegations 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 petitioners 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 petitioners but are not able to meet the submission of the learned counsel for the petitioners 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 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, 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 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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