

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21185 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- GARKHA District- Saran

1. Ashok Kumar Singh S/O Late Dayanand Singh R/O Village Sripal Basant, Ps Garkha, District Saran At Chhapra
2. Krishna Singh @ Rinku Singh S/O Ashok Kumar Singh R/O Village Sripal Basant, Ps Garkha, District Saran At Chhapra
3. Harekrishna Singh @ Pintu Singh S/O Ashok Kumar Singh R/O Village Sripal Basant, Ps Garkha, District Saran At Chhapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

At the outset, learned counsel for the petitioners seeks leave to withdraw this application only against petitioner no. 3, namely, Harekrishna Singh.

Leave is granted.

This application is dismissed as withdrawn against petitioner no. 3.



So far as petitioner nos. 1 and 2 are concerned they have filed the present application for grant of bail apprehending their arrest in connection with Garkha P.S. Case no. 280 of 2020 instituted for the offence under Sections 341, 323, 354, 379, 307, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, while the informant was walking near her house along with her grandson, petitioners armed with iron rod, danda and khanti came there and started to abuse. On protest made by the informant, they assaulted her brutally, resulting into grievous injury.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case due to old land dispute. There is case and counter case. Both parties are agnates. General and omnibus allegations have been levelled against the petitioners. Specific allegation of assault is against Harikrishna Singh and not against petitioner nos. 1 and 2.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner nos. 1 and 2 on bail.



The petitioner nos. 1 and 2 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Garkha P.S. Case no. 280 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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