

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12673 of 2022

Arising Out of PS. Case No.-195 Year-2018 Thana- MUFFASIL District- Aurangabad

1. SUSHIL SINGH S/o- Satyanarayan Singh Resident of Village - Pawai, P.S. - Aurangabad Mufassil, District - Aurangabad, Bihar.
2. DEEPAK SINGH Son of Ghura Singh @ Umesh Singh Resident of Village - Bharthauli, P.S. - Aurangabad Mufassil, District - Aurangabad, Bihar.
3. PAPPU SINGH @ PAPU SINGH @ RAJESH KUMAR SINGH Son of Late Mahabir Singh Resident of Village - Bharthauli, P.S. - Aurangabad Mufassil, District - Aurangabad, Bihar.
4. TUSI SINGH @ SHASHI KUMAR SINGH Son of Sanjay Kumar Singh Resident of Village - Bharthauli, P.S. - Aurangabad Mufassil, District - Aurangabad, Bihar.
5. SAGAR SINGH @ SAGAR KUMAR S/o Sanjay Singh Resident of Village - Bharthauli, P.S. - Aurangabad Mufassil, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dayanand Singh, Adv.
For the Informant	:	Mr. Santosh Kumar Pandey, Adv.
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard Mr. Dayanand Singh, learned counsel for the petitioners, learned Additional Public Prosecutor for the state and Mr. Santosh Kumar Pandey, learned counsel appearing for the informant.

Petitioners seek regular bail in connection with Aurangabad Mufassil PS Case No. 195/2018 registered for the offence punishable under Sections 147, 148, 149, 323, 325, 326, 307, 385, 504 and 506 of the IPC and Section 27 of the Arms



Act.

As per First Information Report, petitioners along with other accused persons 29 in numbers assaulted the informant and other members from the side of informant. There is specific allegation against petitioner no.1 who assaulted one Surat Singh by means of *Khanti* and *Lathi*.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to scuffle which took place between the side of the petitioners and informant on the point of issuing *Chalan* for transportation of sand. There is a case and counter case between the parties inasmuch as from the side of the petitioners bearing Aurangabad Mufassil PS Case No. 197/2018 has been filed in which the side of the petitioners has also sustained injury. The allegations against petitioner no. 2 are general and omnibus in nature and insofar as petitioners no. 3 and 4 are concerned that they assaulted by means of knife and *lathi* upon one Angad Singh but the injuries sustained by Angad Singh are simple in nature except one injury on the nose which is said to be a grievous one and the same is not on the vital part of the body. Petitioner no.5, Sagar Singh @ Sagar Kumar was granted anticipatory bail *vide* Annexure-3. However, he could not surrender within the



stipulated time of four weeks fixed by the Court for furnishing bail bond and ultimately he was taken into custody. All the petitioners are in custody since 17.01.2022.

On the other hand, learned counsel for the informant vehemently, opposed the prayer for bail and submitted that a large number of accused persons including the petitioners assaulted the informant and others when the prosecution side protested against the petitioners and others while they were issuing *Chalan* of Rs. 1400/- and were demanding Rs. 2200/-. He next submits that one of the injuries caused to Angad Singh is grievous in nature.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that there is case and counter case between the parties inasmuch as from the side of the petitioners one case bearing Aurangabad Mufassil PS Case No. 197/2018 has been lodged, injury caused to Angad Singh is not on vital part of the body, other injured persons have sustained simple injury and the petitioners are in custody since 17.01.2022, I am inclined to grant regular bail to the petitioners.

Accordingly, let all the petitioners, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Aurangabad in
connection with Aurangabad Mufassil PS Case No. 195/2018.

(Anil Kumar Sinha, J)

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