

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30715 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- NARHATT District- Nawada

1. Navin Singh @ Navin Kumar Son Of Late Ram Balak Singh R/O Village- Katgarha, P.S.- Sitamarhi O.P., District- Nawada.
2. Sunil Singh @ Sunil Kumar Son Of Late Ram Balak Singh R/O Village- Katgarha, P.S.- Sitamarhi O.P., District- Nawada.
3. Suman Singh @ Suman Kumar Son Of Late Ram Balak Singh R/O Village- Katgarha, P.S.- Sitamarhi O.P., District- Nawada.
4. Prabhash Kumar Son Of Ram Ratan Singh R/O Village- Katgarha, P.S.- Sitamarhi O.P., District- Nawada.
5. Pritam Kumar Son Of Navin Singh @ Navin Kumar R/O Village- Katgarha, P.S.- Sitamarhi O.P., District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. C. Jawahar, APP
For the informant	:	Mr. Ajay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-10-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s) as pointed out by the office within a period of four weeks.

At the outset, it is worthwhile to mention here that by order dated 16-09-2021, the prayer for anticipatory bail of the petitioner No. 4 namely, Prabhash Kumar has already been rejected.

The petitioner Nos. 1, 2, 3 & 5 are apprehending their



arrest in connection with Narhat (Sitamarhi) P.S. Case No. 282 of 2020 registered under Sections-147, 148, 149, 302, 307, 354, 504, 506 of the Indian Penal Code.

Allegedly, the father-in-law of the informant was assaulted with Bhala & Gadansa by the accused persons as a result of which, he sustained injuries and in course of treatment, he succumbed to the injuries.

It has been submitted on behalf of the petitioner Nos. 1, 2, 3 & 5 that they have got no criminal antecedent. There is no allegation of tampering alleged against them. The petitioner Nos. 1, 2, 3 & 5 have falsely been implicated in the present case. The prayer for bail of the assailant i.e. petitioner No. 4 has already been rejected by order dated 16-09-2021. So far rest petitioners i.e. petitioner Nos. 1, 2, 3 & 5 are concerned, at best an offence under Section-307 of the Indian Penal Code is made out against them. There is case and counter case between the parties. Free fight is alleged to have taken place. Both sides sustained injuries. The injuries sustained by accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. At best an offence under Section-325 of the Indian Penal Code is attracted against the petitioner Nos. 1, 2, 3 & 5. The injuries are on non-vital part of the body.



On behalf of the State and the counsel for the informant, it is submitted that petitioner Nos. 1, 2, 3 & 5 are named in the F.I.R. and they have also participated in the alleged occurrence and they are said to have assaulted the deceased in course of the occurrence.

Considering the aforesaid facts and circumstances , let the petitioner Nos. 1, 2, 3 & 5 named above, in the event of arrest or surrender within a period of twelve weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Miss Rupa Rani, Judicial Magistrate-Ist Class, Nawada in connection with Narhat (Sitamarhi) P.S. Case No. 282 of 2020 subject to the conditions as laid down under Section-438(2) of the Cr.P.C.

(Sudhir Singh, J)

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