

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20881 of 2022

Arising Out of PS. Case No.-68 Year-2018 Thana- RIGA District- Sitamarhi

1. DINESH SINGH @ DINESH PRASAD SINGH S/O LATE RAM GYAN SINGH R/o village- Doghra, P.S.- Riga, District- Sitamarhi
2. UMESH SINGH @ UMESH NANDAN SINGH S/O LATE RAM GYAN SINGH R/o village- Doghra, P.S.- Riga, District- Sitamarhi
3. KAMLESH SINGH S/O LATE RAM GYAN SINGH R/o village- Doghra, P.S.- Riga, District- Sitamarhi
4. SATYA PRAKASH @ BALMUKUND SINGH S/O DINESH SINGH @ DINESH PRASAD SINGH R/o village- Doghra, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-12-2022 Heard learned counsel for the petitioners 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, 447, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

The informant alleges that on account of dispute relating to land, the accused persons came and on orders of Dinesh, accused Bamlukund assaulted the informant by a *tengari* causing injury on head, thereafter, all the accused



assaulted the informant and his brother, it is next alleged that brother suffered injury on his finger and Dinesh snatched chain worth Rs. 30,000/-.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that as far as petitioner no. 1 is concerned, he is alleged to be an order giver and allegation of assault is not specific against petitioner no. 2 and 3, it is only petitioner no. 4 against whom it is alleged that he assaulted the informant by *tengari* causing injury on his head, but then the nature of injury is not disclosed, not the impugned order records whether the injury was simple or grievous. Learned counsel next submits that though in the FIR it is alleged that petitioner no. 4 assaulted the informant by *tengari* causing injury on head but then from perusal of the injury report as recorded at paragraph '21' of the Case Diary that the same does not record that on which part of the body the injured suffered injury, though it is recorded that the opinion with respect to the injury is reserved. Learned counsel next submits that the doctor ought to have recorded that he found injuries on which part of the body, this amply demonstrates that the petitioners may be falsely implicated subsequently.



Learned counsel next submits that from the side of the petitioners also Riga P.S. Case No. 65 of 2018 has been instituted against the informant and his side in which it is alleged that a free fight took place between both the parties in which the members assaulted each other by lathi and danda. Learned counsel next submits that it is specific case of the petitioners that an occurrence did take place but then no one was assaulted by tengari.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but fairly submits that paragraph '21' of the Case Diary is quoted in the manner as it has been submitted by the learned counsel for the petitioners, it is also submitted that despite best effort of the Investigating Officer, the opinion with respect to the injury till date has not been given.

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 trial court 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 trial court where



the case is pending/successor court in connection with Riga P.S.
Case No. 68 of 2018 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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