

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20754 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- JANKINAGAR District- Purnia

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1. GANESH SINGH
 2. Suresh Singh
 3. Mithilesh Singh
 4. Mahesh Singh @ Mahesh Kr. Singh
 5. Vikash Singh Son of Mithilesh Singh
 6. Kundan Singh Son of Ashok Singh
- Petitioner/s
- Versus
- THE STATE OF BIHAR
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 2.

Permission is accorded.

Heard learned counsel for the petitioners no. 1 and 3 to 6, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners no. 1 and 3 to 6 apprehend their arrest in a case registered for the offences punishable under Sections



147, 148, 149, 341, 323, 324, 307, 447, 504 and 506 of the Indian Penal Code .

Learned counsel for the petitioners no. 1 and 3 to 6 submits that petitioners no. 1 and 3 to 6 are persons with clean antecedent.

The informant alleges that on account of dispute relating to land the accused persons including the petitioners no. 1 and 3 to 6 came to his house and assaulted the informant brutally by an iron rod causing injury on head and when his father and Raju Singh came to save him then all the accused persons including petitioners no. 1 and 3 to 6 also assaulted them by iron rod and butt of pistol. Further, on hearing alarm, the mother of the informant and mother of Raju Singh and other women along with co-villagers came to save the informant, accordingly, the accused persons fled from the place of occurrence.

Learned counsel for the petitioners no. 1 and 3 to 6 submits that petitioners no. 1 and 3 to 6 have been falsely implicated in the present case. It is further submitted that petitioners no. 1 and 3 to 6 and the victim are agnates and are having land dispute. It is next submitted that from the side of the petitioners no. 1 and 3 to 6 also Janaki Nagar P.S. Case No. 266



of 2021 was instituted in which persons of the side of the petitioners no. 1 and 3 to 6 had suffered injury including grievous injury. It is also submitted that from the side of the informant also injuries have been suffered and informant has also suffered one grievous injury. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature i.e. no specific allegation of assault is alleged. It is next submitted that nine accused persons have been roped in but the injury is only two which also showed that had the informant been assaulted in such brutal manner as alleged in the FIR then definitely he would have more injury.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners no. 1 and 3 to 6 but are not able to meet the submission of the learned counsel for the petitioners no. 1 and 3 to 6 that the allegation of assault is general and omnibus in nature and injuries have been suffered from both the sides and even from the side of the petitioners no. 1 and 3 to 6 grievous injury has been sustained.

Considering the submissions made by the learned counsel for the petitioners no. 1 and 3 to 6, the petitioners no. 1



and 3 to 6 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 Jankinagar P.S. Case No. 265 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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