

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31123 of 2021

Arising Out of PS. Case No.-530 Year-2016 Thana- MADHAURAH District- Saran

1. MANBODHAN SINGH S/O LATE BINDHYACHAL SINGH R/O VILLAGE RAMPUR PS MADHAURA, DISTRICT SARAN AT CHAPRA
2. RAJESH KUMAR SINGH S/O LATE BINDHYACHAL SINGH R/O VILLAGE RAMPUR PS MADHAURA, DISTRICT SARAN AT CHAPRA
3. RAKESH KUMAR SINGH S/O LATE BINDHYACHAL SINGH R/O VILLAGE RAMPUR PS MADHAURA, DISTRICT SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard the parties through virtual court proceedings.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner nos.1 and 3, as they have already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner nos.1 and 3 is dismissed as withdrawn.

Now, the present application is being heard only against petitioner no.2.

Learned counsel for the petitioners undertakes to remove



the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner no.2 apprehends his arrest in a case in connection with Madhaura P.S. Case No.530 of 2016, registered for the offence punishable under Sections 147/148/149/323/324/307/504 of the IPC and section 27 of the Arms Act.

The prosecution case in short is that petitioner no.2 along with other FIR named accused persons, over a land dispute, abused the informant and assaulted him by means of farsa, lathi, garasa etc. One of the accused struck him on the head, due to which, blood started oozing out from his head. It is alleged that petitioner no.2 fired with his rifle to create terror among the villagers assembled there.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence as alleged has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties and a Title Suit No.24/2014 is also going on between them. For the said



occurrence, there is case and counter-case between the parties and the injury report of injured Ram Sah shows the injuries as simple in nature. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Madhaura P.S. Case No.530 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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