

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40935 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- SALIMPUR District- Patna

1. Rabindra Singh Son of Late Ram Khelawan Singh Resident of Village- Benipur, P.S.- Salimpur, District- Patna.
2. Chandan Singh @ Kumar Chandan Son of Rabindra Singh Resident of Village- Benipur, P.S.- Salimpur, District- Patna.
3. Pappu Singh Son of Ram Pravesh Singh Resident of Village- Benipur, P.S.- Salimpur, District- Patna.
4. Sujit Kumar @ Purushottam Kumar @ Buchi Singh @ Buchi Kumar Son of Ram Pravesh Singh Resident of Village- Benipur, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Anil Kumar Singh, learned counsel for the
petitioners as well as Mr. Niraj Kumar learned counsel for the
informant and learned Additional Public Prosecutor for the
State.

Learned counsel for the petitioner submits that
petitioner no. 4, namely, Sujit Kumar @ Purushottam Kumar @
Buchi Singh has been arrested by the police and as such his
prayer for bail has become infructuous.



The petitioners apprehend their arrest in connection with Salimpur P.S. Case No. 47 of 2021 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 354, 504, 506 of the Indian Penal Code.

As per prosecution case, it is alleged that on 14.03.2021 while the informant was in his house, in the meantime all the FIR named accused persons including the petitioner armed with weapon surrounded the informant and assaulted him. It is alleged that petitioner no. 1 gave order to kill the informant upon which co-accused Nandan Singh assaulted with iron rod causing injury on his head. It is further alleged that the uncle of the informant came to save him then Ajit Singh assaulted him with sword causing serious injury. On hulla the informant aunt Indu Devi came there then petitioner no. 2 assaulted her with iron rod causing injury on her head.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted on behalf of the petitioners that there is general and omnibus allegation against all these petitioners. The allegation against petitioner no. 1 is of order giver to kill the informant and so far as petitioner no. 3 is concerned, there is



omnibus allegation of being a member of mob. Further the allegation of assault levelled against the petitioner no. 2 has also not been corroborated by the injury report. It is further submitted that in fact, on account of some dispute a free fight has taken place between both the sides. A counter case has also been instituted by co-accused Ajit Sigh bearing Salimpur P.S.Case No. 48 of 2021 on 14.03.2021 itself. It is also submitted that though petitioner side have also sustained injuries but the same has not been explained by the informant. It is lastly submitted that all the injuries which have been sustained by the person of the informant side have been found to be simple in nature.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that there is specific allegation against all the three petitioners and as such they do not deserve the privilege of anticipatory bail.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is free fight between both the parties resulting into injuries to both the sides and the informant failed to explain the injuries sustained by petitioner sides, apart from the fact, all the injuries sustained, have been found to be simple in nature and



petitioners have clean antecedent, let the petitioner nos. 1, 2 and 3 above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Barh, Patna in connection with Salimpur P.S.Case No. 47 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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