

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43306 of 2021

Arising Out of PS. Case No.-141 Year-2021 Thana- ARA MUFFASIL District- Bhojpur

1. Ravindra Singh Son of Om Prakash Singh Resident of Village - Pipara Jaipal, P.S. Ara Muffasil, District - Bhojpur.
2. Kamendra Singh Son of Om Prakash Singh Resident of Village - Pipara Jaipal, P.S. Ara Muffasil, District - Bhojpur.
3. Shailendra Singh Son of Om Prakash Singh Resident of Village - Pipara Jaipal, P.S. Ara Muffasil, District - Bhojpur.
4. Durga Devi Wife of Kamendra Singh Resident of Village - Pipara Jaipal, P.S. Ara Muffasil, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP.
For the Informant : Mr. Arvind Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-06-2022 Heard Mr. Aditya Narayan Singh, learned counsel for the petitioners, Mr. Arvind Kumar Pandey, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Ara Muffasil P. S. Case No. 141 of 2021 registered for the offences punishable under Sections 354, 341, 342, 448, 323, 380



and 307 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 05.06.2021 all the F.I.R. named accused persons including the petitioners entered into the house of the informant and thereafter, the informant and her daughter were assaulted by means of Iron Rod and the petitioners took away valuables from a box kept in the informant's house and also misbehaved with the informant's daughter.

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

Learned counsel appearing on behalf of the petitioners submits that both the petitioners and the informant are family members and prior to the institution of the present case, the father of the petitioner no. 1 to 3 had lodged Ara Muffasil P. S. Case No. 139 of 2021 on 04.06.2021 against the informant and her family members and this case has been, later on, instituted. It is further submitted that on account of trivial dispute with regard to plucking of mangoes, some free fight has taken place between both sides due to which persons of both sides have sustained injuries. It is next submitted that the alleged injuries



sustained on the person of the informant and her daughter have been found to be simple in nature and in support of this contention, copies of the injury report have been annexed as annexure 3 to the bail application. It is next submitted that there is no specific allegation against these petitioners and the petitioners have absolutely fair antecedent.

On the other hand, learned counsel for the informant opposes the bail application and submits that, in fact, the petitioners are aggressor and they entered into the house of the informant and thereafter, they brutally assaulted the informant and her daughter and the same has also been supported by the witnesses during the course of the investigation. It is also submitted that the Inquiry Officer has found profuse blood stain in the courtyard, which also shows that the occurrence has taken place as alleged in the F.I.R.

Learned Additional Public Prosecutor for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of accusation, apart from the fact that the injuries sustained to the informant and her daughter have been found to be simple in nature in as much as the relation between both



sides and their fair antecedent, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bhojpur, Ara in connection with Ara Muffasil P. S. Case No. 141 of 2021, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate 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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