

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36752 of 2022

Arising Out of PS. Case No.-301 Year-2017 Thana- PIPRA District- East Champaran

1. BACHCHA SINGH SON OF NAGESHWAR SINGH R/O- VILL-CHINTAMANPUR, BABU TOLA, P.S.- PIPRA, DIST.- EAST CHAMPARAN
2. MUNNA SINGH @ MUNU SINGH SON OF NAGESHWAR SINGH R/O- VILL-CHINTAMANPUR, BABU TOLA, P.S.- PIPRA, DIST.- EAST CHAMPARAN
3. TUNNA SINGH @ TUNU SINGH SON OF NAGESHWAR SINGH R/O- VILL-CHINTAMANPUR, BABU TOLA, P.S.- PIPRA, DIST.- EAST CHAMPARAN
4. MUKESH KUMAR SINGH SON OF LATE DHURANDHAR SINGH R/O- VILL-CHINTAMANPUR, BABU TOLA, P.S.- PIPRA, DIST.- EAST CHAMPARAN
5. KRISHNA KUNWAR SON OF LATE LALDEV KUNWAR R/O- VILL-HARDIYABAD, P.S.- PIPRA, DIST.-EAST CHAMPARAN
6. AKALU MAHTO SON OF LATE RITHA MAHTO R/O- VILL-HARDIYABAD, P.S.- PIPRA, DIST.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022 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, 323, 420, 427, 354, 379 and 34 of the Indian Penal Code.



Learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that on 23.11.2017 at about 08:00 AM, all the six named accused petitioners got registered 10 katha of land by committing fraud which was allotted to the informant by the Court in a partition suit, it is further alleged that all the accused persons, including the petitioners, came variously armed and started harvesting crops of the informant, on protest the accused petitioners assaulted her with leg and fist, it is further alleged that on order of Baccha Singh, Tunna Singh tore her cloths on which she became semi-naked, thereafter Munna Singh opened fire in the air and threatened to kill and Akalu Mahto tried to strangle her by putting a saree around her neck and Krishna Kuwar snatched gold chain worth Rs. 30,000/-.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the date of occurrence is 23.11.2017 and the FIR has been instituted on 03.12.2017, it is next submitted that there is no injury report on record which also manifests from the fact that FIR is based on written



application of the informant, it is thus submitted that had the informant been injured then definitely she would have been taken to the hospital for treatment. Learned counsel for the petitioners next submits that the petitioners were on police bail during the period of investigation, but the police in a mechanical manner submitted charge-sheet, it is next submitted that since the petitioners were on police bail the law stands settled by a judgment of this Court in **Mahendra Prasad Singh Vs. the State of Bihar reported in 2004 Volume-3 PLJR 491**, it is next submitted that said judgment was followed in the case of **Shiv Chandra Singh vs. the State of Bihar reported in 2007(4) BBCK 66** and thereafter in **Jagnarayan Yadav and others Vs. the State of Bihar reported in 2010(2) PLJR 684** wherein, this Court has very clearly led the law at once an accused who is in police case and charge-sheet comes to be submitted then whatsapps have to be taken by the learned trial court.

In view of the submission made by the learned counsel for the petitioners, the present anticipatory bail application is disposed with a direction to the petitioners who surrender before the learned trial court on or before



16.12.2022 and the learned trial court shall on the same day disposed of the application, keeping in mind the law enunciated by this Court as aforesaid.

Accordingly, the anticipatory bail application is disposed of.

(Satyavrat Verma, J)

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