

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41361 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- BIHRA District- Saharsa

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1. SUBHAM SINGH @ SUBHAM KUMAR SINGH SON OF PANKAJ KUMAR SINGH
 2. ALOK KUMAR SINGH SON OF ARUN KUMAR SINGH
 3. NEERAJ KUMAR SINGH SON OF TARANI SINGH
 4. ASHISH KUMAR SINGH SON OF ARUN KUMAR SINGH
 5. PANKAJ KUMAR SINGH SON OF TARANI SINGH
- All are R/O VILLAGE - RAKIYA, P.S. - BIHRA, DISTRICT - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 379, 354(B), 504 and 506/34 of the Indian Penal
Code.

Learned counsel for the petitioners submits that
petitioner no. 2 has antecedent of one case and petitioner nos. 1,
3, 4 and 5 are persons with clean antecedent.



The informant alleges that objectionable pictures of the informant's family was posted and on objection accused persons including the petitioners came to her house and petitioner no. 1 along with other accused disrobed Laxmi Devi and Jaimala Devi and also took ornaments and Rs.2,00,000/-. Petitioner No. 2 and 4 assaulted Prakash Kumar Singh with spade causing injury on his head. Petitioner No. 2 also took gold chain of Laxmi Devi and petitioner no. 4 took ear rings of Jaimala Devi. It is alleged that petitioner no. 3 and 5 assaulted Anant Singh by Khanti on his head causing injury and accused Arun Kumar Singh assaulted Dhruv Kumar Singh and the injured were taken to the hospital.

Learned counsel for the petitioners submits that specific allegation of assault is against Arun Singh of assaulting Dhruv Singh who suffered grievous injury. As far as the allegation against the present petitioners of assault is alleged, the same is not specific, rather the allegation is general and omnibus that petitioner no. 2 and 4 assaulted with spade, petitioner no. 3 and 5 assaulted with Khanti but the nature of injury suffered by the injured is simple and, thus, does not corroborate the allegation as alleged in the FIR. He further submits that from the side of the petitioners also Bihra P.S. Case



No. 45 of 2022 was instituted against the informant and others as the informant was trying to threaten her minor daughter which was being objected by the villagers including the petitioners.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners 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 Bihra P.S. Case No. 41 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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