

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42687 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Mukesh Kumar Singh @ Mukesh Singh @ Manoj Kumar Singh Son of Amarnath Singh Resident of Village - Bind Bochaha (Banglapar), P.s.- Mohiuddin Nagar, Distt.- Samastipur.
 2. Priyanshu Singh Son of Rakesh Singh Resident of Village - Bind Bochaha (Banglapar), P.s.- Mohiuddin Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 147,
148, 149, 323, 341, 342, 324, 325, 354, 307, 504 and 506 of the
Indian Penal Code.

According to prosecution, on 11.11.2021 while the
informant's nephew was sitting at his shop, in the meantime
named accused persons including the petitioners came there and
demanded biscuit. While his nephew was picking up the biscuit,



petitioner No. 1 Mukesh took away Rs. 4500 from cash box and Priyanshu Singh assaulted Tinku causing injury on his shoulder and Mukesh started pressing neck of informant's nephew. On raising alarm, informant along with his uncle came there. It is further stated that on the instruction of co-accused Amarnath, Mukesh and Priyanshu assaulted the uncle of the informant causing injury on his right and back side of the head. When informant came to rescue his uncle, Mukesh assaulted him with iron rod causing fracture of left hand. And Nirmala Devi and Hema Devi assaulted Raj Kumar Singh on his chest, back waist and back partition of his head. Initially Raj Kumar was treated at Mohiuddin Nagar Hospital. Accused persons have also assaulted the informant's daughter.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the parties are happen to be the co-villagers and there is land dispute between the parties and on that count, this false case has been lodged against the petitioners. He further submits that it appears from the FIR that the date of occurrence is 11.11.2021 but the present FIR was instituted on 14.11.2021 after delay for three days without giving any explanation of delay. He further



submits that though there is direct allegation of assault against the petitioners but the injuries sustained by the informant are opined to be simple in nature and does not attract the complicity of Section 307 of the IPC against the petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bonds or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mohiuddin Nagar P.S. Case No. 246 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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