

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62250 of 2021

Arising Out of PS. Case No.-438 Year-2021 Thana- MADHAURAH District- Saran

1. Lalit Singh Son of Late Ram Pravesh Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
2. Jay Kishore Singh Son of Late Singasan Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
3. Vishwanath Singh Son of Late Sipahi Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
4. Puja Singh @ Suraj Singh @ Suraj Kumar Singh Son of Late Ganesh Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
5. Kalika Singh Son of Late Ram Pravesh Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
6. Suraj Kumar Singh Son of Jay Kishore Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
7. Guriya Devi W/o Puja Singh @ Suraj Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
8. Manju Devi W/o Lalit Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
9. Jayanti Devi Wife of Jay Kishore Singh Resident of Village- Salimapur, P.S.- Marhowrah (Gaura O.P), District- Saran (Chapra)
10. Anish Kumar @ Anish Kumar Singh Son of Shambhu Singh Resident of Village- Kajari Bhaat, P.S.- Jandaha, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate.

For the Opposite Party/s : Mr.Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-06-2022

Heard learned counsel for the parties.

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 seek anticipatory bail in connection with Madhaura P.S. Case No. 438 of 2021, registered for the offences under Sections 147, 148, 149, 341, 323, 307, 379 of the Indian



Penal Code.

The main allegation is that present petitioners abused and assaulted the prosecution party and during the occurrence the petitioner no. 1 inflicted a dab blow at the informant and other petitioners assaulted the prosecution party by means of lathi, danda, fist and kick and after that occurrence the accused persons of this case again assaulted the brother of informant.

The main submissions advanced by the learned counsel for the petitioners are that there is case and counter case in between the parties and the counter case was lodged by petitioner no. 6, namely Suraj Kumar Singh whose statement was recorded at hospital and his injury report is still reserved for final opinion and three persons are stated to be injureds of this case but all the injuries found at their person have been opined to be simple in nature and against the petitioners there is no serious allegation.

Learned APP has opposed the prayer of bail.

Having Considered the above submissions and facts and circumstances of this case and mainly the facts that there is case and counter case between the parties and against the petitioner nos. 2 to 10 there is no specific allegation in respect of the alleged assaulting and the injured persons of this case sustained simple injuries and from the petitioners' side one person also sustained



injury. Considering all these facts, let the petitioner nos. 2 to 10 above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra in connection with Madhaura P.S. Case No. 438 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the prayer of petitioner no. 1 namely Lalit Singh is concerned he is specifically alleged to have assaulted the informant by means of dab which gets corroboration from the injury report of the informant.

Considering the nature of allegation appearing against this petitioner he does not deserve anticipatory bail, accordingly his prayer for bail stands rejected.

The petitioner no. 1 is directed to surrender before the Court below within a period of twenty days from the date of this order if he surrenders within stipulated period then the Court below will decide his prayer for regular bail without being prejudiced with this order.

(Shailendra Singh, J)

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