

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56658 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- SIKANDRA District- Jamui

1. Binod Singh @ Binod Kumar S/O Late Radhey Singh Resident Of Village-Kumar, P.S.- Sikandra, District- Jamui.
2. Santu Singh @ Mantu Singh S/O Late Ram Ji Singh Resident Of Village-Kumar, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 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 apprehend their arrest in a case
registered for the offences punishable under Section 147, 148,
149, 341, 342, 323, 324, 307, 337, 338, 427, 379, 504, 506 of
the I.P.C.

According to prosecution case, in short, is that on
19.06.2022 all the F.I.R. named accused persons including the
petitioners started making construction of wall over land of
informant and when informant objected, accused Binod Singh



inflicted *khanti* blow over his head, and due to which, informant received injury over his head, and when brother of informant Sanoj Singh and nephew Rohit and Anurag Kumar came to save him, then Mahendra Singh ordered other accused persons to kill them, on which, Santu Singh gave sword blow over head of Sanoj Singh and Rohit Kumar which caused injury over left side of Rohit Kumar's face. It has been further alleged that nephew of informant Anurag Kumar was assaulted by pelting bricks, and in course of assault, Mahendra Singh took a chain made of gold weighing 90 g.ms and all the accused persons entered into the shop of informant and they committed *loot-pat*. Nearby, people assembled and they saved the informant and other persons. Informant and injured persons were brought to P.H.C. Sikandra for their treatment and from where they were referred to Sadar Hospital, Jamui for better treatment.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and there is land dispute between them. He further submits that the allegation as alleged in the F.I.R. against the petitioner no.1 that he assaulted with *khanti* on the head of informant and the petitioner no.2



assaulted with sword on the head of the brother of informant but the injury report of the informant and brother of the informant suggests that the injuries are simple in nature.

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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sikandra P.S. Case No. 149 of 2022, 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 bond 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 antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond 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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