

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72037 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- TARAIIYA District- Saran

1. MANU SINGH @ MANU KUMAR Son of Jitendra Singh Resident of Village- Sarya Basant, P.S.- Taraiya, District- Saran at Chapra.
2. RAKESH SINGH @ RAKESH KUMAR Son of Mahesh Singh Resident of Village- Sarya Basant, P.S.- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Singh, Sr. Advocate
	:	Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP
For the Informant	:	Mr.Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2022 Heard learned senior counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned senior counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases, petitioner no.2 is a person with clean antecedent and the informant alleges that on 14.05.2020 at about 9:00 PM, informant with his father and uncle was returning home when on account of past dispute,



sixteen accused persons, including the petitioners, surrounded them and thereafter it is alleged that petitioners assaulted informant's uncle with sword causing injury on his head at various places and thereafter it is alleged that other accused persons also assaulted the informant and even fired during the course of free fight.

Learned senior counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the F.I.R. it would manifest that the informant himself alleges that the occurrence took place on account of past dispute. Learned senior counsel further submits that there was a free fight between the two groups, there is a case and counter case and from the side of the petitioners, Saraiya P.S. Case No. 153 of 2020 was registered and from the side of petitioner one person even lost his life. It is further submitted that it absolutely does not stand to reason that as to how the informant could specifically identify that who was carrying which arm and who was assaulting by which weapon when admittedly there were sixteen accused persons. Learned senior counsel submits that though in the F.I.R. it is alleged that the petitioner assaulted the uncle of the informant by sword causing injuries on his head but



from the injury report it would manifest that the injuries have been caused by hard and blunt substance which negates the allegations as alleged in the F.I.R.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and the learned counsel for the informant submits that the injury report which he has in that it is recorded that the injured was referred to PMCH, it is next submitted that the petitioner no.1 has even concealed his criminal antecedent

Considering the submissions made by the learned senior 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. 20,000/- (Rupees Twenty 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 Taraiya P.S. Case No. 148 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall verify whether the injuries were caused by hard and blunt substance or not. In the event, if it is found that



the injuries were caused by sharp edged weapon then the present order shall not be acted upon. The learned trial court shall also verify the criminal antecedents of petitioner no.1 and in the event, if it is found that petitioner no.1 has concealed his criminal antecedents, then the present order shall not be acted upon against him.

(Satyavrat Verma, J)

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