

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72038 of 2021**

Arising Out of PS. Case No.-458 Year-2019 Thana- BASANTPUR District- Siwan

1. Rama Shankar Singh S/O Ramjatan Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
2. Tarak Singh S/O Ramjatan Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
3. Bhutti Singh S/O Ramjatan Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
4. Brij Singh S/O Ramjatan Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
5. Nitesh Kumar S/O Tarak Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
6. Manjeet Kumar S/O Tarak Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
7. Rohit Kumar S/O Bhutti Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan
8. Saheb Kumar S/O Brij Singh R/O Village- Husepur Nand, P.S.- Basantpur, District- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      02-08-2022                      Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.



The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 05.12.2019 at about 4.00 P.M. when her husband was returning from Basantpur Market on his motorcycle and when he arrived near Kanhauli Mor, when the accused persons including the petitioners were standing variously armed and thereafter, it is alleged that they started abusing her husband and when the informant rushed there, he saw the petitioners assaulting her husband by iron rod as a result of which, her husband sustained injury on head. It is next alleged that Rama Shankar Singh and Brij Singh also assaulted her husband by lathi, danda and damaged his motorcycle, thereafter, the injured was taken to the hospital.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from the tenor of the allegation as alleged in the F.I.R., it manifests that informant is not an eye witness to the occurrence. It is next submitted that though in the F.I.R., it is alleged that informant saw the occurrence of assault by all the accused persons causing injury to her husband on head, but from perusal of the impugned order, it would manifest that it clearly records that the husband of the informant received



only one injury on head as recorded in Para-25 of the case diary. The learned counsel thus submits that had the informant seen the occurrence, then definitely she would have known that who assaulted her husband. It is next submitted that one Sunita Devi, wife of petitioner no.2 had instituted Complaint Case No.2805 of 2019 against the informant as pleaded at Para-7 of the anticipatory bail application which amply demonstrates that the parties were on litigating and disputing terms and as such, the informant falsely implicated the petitioners. The learned counsel further submits that the opinion with regard to the injury till date has not come.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that from perusal of the impugned order, it would manifest that the learned District Court has recorded that the petitioners are absconding. The learned counsel for the petitioners rebuts the submission and submits that the impugned order also records that the matter is still under investigation.

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, are directed to be



released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Basantpur P. S. Case No.458 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds shall verify whether any process under Section 82 of the Cr.P.C. has been issued against the petitioners or not and in the event, if any process has been issued against the petitioners, then the present order shall not be acted upon against those petitioners against whom 82 of the Cr.P.C. processes have been issued.

**(Satyavrat Verma, J)**

vikash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

