

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4843 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- KORHA District- Katihar

1. Rabindra Kumar Mehta, Son of Suresh Prasad Mehta,
2. Umesh Prasad Singh @ Umesh Singh Son of Late Dushrath Singh
3. Shiv Ratan Singh, Son of Late Mahesh Singh
All are resident of village-Nakkipur, P.S.-Korha, District-Katihar.
4. Ajit Kumar Singh @ Ajit Kumar Mehta, Son of Birendra Kumar Mehta
Resident of village-Semapur Kali Sthan, P.S-Barari (Sempur O.P.) Dist-
Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-05-2023 At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw anticipatory bail petition *qua* petitioner no.1, namely, Rabindra Kumar Mehta and petitioner no.4, namely, Ajit Kumar Singh @ Ajit Kumar Mehta.

Request is allowed.

Accordingly, the prayer for anticipatory bail of petitioner nos. 1 and 4 are dismissed as withdrawn.

Now the present bail petition is limited with respect to petitioner nos. 2 and 3, namely, Umesh Prasad Singh @ Umesh Singh and Shiv Ratan Singh.



Both petitioner nos. 2 and 3 are named in the FIR and apprehending their arrest in connection with Korha P.S. Case No.23 of 2022 registered for the offences punishable under Sections 143, 341, 323,324, 325, 307, 504 and 506 of the Indian Penal Code.

Allegation against the petitioners is to assault informant and others by means of sword, rod, *lathi* etc. along with other co-accused persons causing head and bodily injuries, where occurrence arises out of land dispute.

It is submitted by learned counsel that as per FIR allegation as regard to assault is not available against petitioner no.2, namely, Umesh Prasad Singh @ Umesh Singh and whereas injury is alleged to be caused by petitioner no.3, namely, Shiv Ratan Singh is appearing simple and same is not sufficient to cause death under ordinary course of nature. While concluding argument, it is submitted that petitioner no.2 is a man of clean antecedent whereas petitioner no.3 found involved in two more criminal cases, where he is on bail.

Learned APP for the State opposes the prayer for bail.

In view of the above-mentioned facts and circumstances and by taking note of nature of allegation and



also considering the nature of injury as alleged to be caused by petitioners, let above-named, petitioner nos. 2 and 3, namely, Umesh Prasad Singh @ Umesh Singh and Shiv Ratan Singh, in the event of their arrest or surrender in the court below within a period of four weeks of this order, are directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No.23 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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