

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9852 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- MASHRAK District- Saran

1. SANTOSH KUMAR SINGH @ SANTOSH SINGH SON OF LATE BANARAS SINGH R/O VILLAGE- BRAHIMPUR CHAKARPAN, P.S.- MASHRAK, DISTRICT- SARAN
2. JITENDRA SINGH @ JITENDRA KUMAR @ JITENDRA KUMAR SINGH SON OF LATE HEMBABU SINGH R/O VILLAGE- BRAHIMPUR CHAKARPAN, P.S.- MASHRAK, DISTRICT- SARAN
3. RAJ KUMAR SINGH @ RAJU KUMAR @ RAJU SON OF LATE BANARAS SINGH R/O VILLAGE- BRAHIMPUR CHAKARPAN, P.S.- MASHRAK, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Harendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned APP
for the State.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application only with regard to petitioner no.1, who has been apprehended by the police, during pendency of this application.

Permission is granted.

This application with regard to petitioner no.1 is dismissed as withdrawn.

Now, it is being heard for consideration of anticipatory



bail on behalf of the petitioner nos.2 and 3.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341/323/307/504/506 and 34 of the Indian Penal Code.

As per the prosecution case, petitioner no.2 is said to have assaulted one Bhikhari Singh on his head by means of farsa and petitioner no.3 and other accused persons assaulted other members of the informant side.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.2 to assault Bhikhari Singh by means of farsa, whose injury was found grievous in nature.

Considering the facts and circumstances of the case, since, the injury sustained by Bhikhari Singh is grievous in



nature, I am not inclined to enlarge the petitioner no.2 on bail.
The prayer for anticipatory bail on behalf of the petitioner no.2
is hereby rejected.

However, having regard to the facts and circumstances of
the case, since there is general and omnibus allegation against
the petitioner no.3, let the above named petitioner no.3, be
released on bail, in the event of his arrest or surrender before the
learned Court below within a period of six weeks from today, on
furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five
Thousand) 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 Mashrak P.S. Case
No.211 of 2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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