

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17795 of 2023

Arising Out of PS. Case No.-264 Year-2021 Thana- CHAUTHAM District- Khagaria

1. CHHOTU SINGH@ CHHOTU KUMAR S/O ASHOK SINGH R/O SARAIYA, P.S- CHAUTHAM, DISTT.- KHAGARIA.
2. DHARAMBEER SINGH S/O LATE BINDESHWARI SINGH R/O SARAIYA, P.S- CHAUTHAM, DISTT.- KHAGARIA.
3. BANTI SINGH @ BANTI KUMAR S/O ASHOK SINGH R/O SARAIYA, P.S- CHAUTHAM, DISTT.- KHAGARIA.
4. BIKAS SINGH @ BIKAS MAHTO @ BILAS SINGH S/O GULTAN SINGH R/O SARAIYA, P.S- CHAUTHAM, DISTT.- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023

Heard the parties.

The petitioners are apprehending arrest in connection with Chautham P.S. Case No 264 of 2021 for the offence under Sections 147, 148, 149, 448, 323, 354, 307, 324, 384 and 504 of the I.P.C. lodged on 02.12.2021 by the informant Bibha Devi.

The prosecution story, in brief, is that, on 02.12.2021, eleven accused persons including petitioners came armed variously at the house of informant and forcibly started to construct house in her land. On objection, accused Ashok Singh tried to outrage her modesty. Accused Dharambeer Singh threw her on the ground and tried to kill her by strangulation. Co-accused Vikash Singh and Ashok Singh assaulted her with sharpened spade on her head due to which she sustained head



injury.

When her son Nilu Kumar came to her rescue, accused Chhotu Singh assaulted on his head due to which he also sustained head injury and when her nephew Sonu Kumar came there, co-accused Banti Singh assaulted him on head due to which he too sustained head injury. Co-accused Santosh Singh assaulted with spade on the head of Saurav Kumar due to which he too sustained head injury.

When Neeraj Singh came to save injured persons, all accused persons abused him and accused Laxmi Singh assaulted him with 'butt' of pistol on his head due to which he sustained head injury and he became unconscious. Co-accused Puja Kumari took out mobile and co-accused Bharti Kumari took out Rs. 5000/- from her box. Co-accused Sita Devi snatched gold chain and accused Ahok Singh demanded Rs. 50000/- as Rangdari. All accused persons also called her 'DAYAN'. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioners that during construction of house, the alleged assault took place. Further, a general allegation has been made against each and every member and the injuries on the informant's side have been found to be simple in nature.



Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant and her son after checking the credentials.

Learned APP opposes the prayer.

Considering the aforesaid fact put forward by the learned counsel for the petitioners as also the injuries have found to be simple in nature, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Khagaria, in connection with Chautham P.S. Case No 264 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

U		T	
---	--	---	--

