

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19910 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- SANDESH District- Bhojpur

1. Bijesh Kumar @ Brijesh Kumar S/o Ramani Singh @ Ramnan Singh Resident of Village Pandura, P.S.-Sandesh, District-Bhojpur
2. Bhim Kumar @ Bhim Kumar Singh S/O Late Shashi Bhushan Singh @ Chhotelal Singh Resident of Village Pandura, P.S.-Sandesh, District-Bhojpur
3. Prakash Kumar S/O Birendra Singh Resident of Village Pandura, P.S.-Sandesh, District-Bhojpur
4. Birendra Singh @ Birendra Kumar Singh S/o Late Ram Ishwar Singh Resident of Village Pandura, P.S.-Sandesh, District-Bhojpur
5. Devnandan Singh @ Devanand Singh S/O Late Mundrika Singh Resident of Village Pandura, P.S.-Sandesh, District-Bhojpur
6. Ramani Singh @ Ramnan Singh @ Raman Singh S/O Mundrika Singh Resident of Village Pandura, P.S.-Sandesh, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the Informant/s	:	Mr. Jawed Gaffar Khan, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners, Mr. Jawed Gaffar Khan, learned counsel for the informant and learned APP for the State.

The petitioners apprehend their arrest in connection with Sandesh P.S. Case No. 240 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 307 and 379 of the Indian Penal Code.

It is alleged that while the informant was going to his



field, in the meantime, all the accused persons intercepted him and assaulted with iron rod and other weapons. It is specifically alleged that co-accused Bhim Singh and Ajay Singh assaulted the informant over his head due to which he sustained head injury. Thereafter, Ramanuj Singh assaulted over the face of the informant, thereupon all the accused persons have assaulted Dablu Pandey, due to which he sustained fracture injury.

Learned counsel for the petitioners submits that so far the specific allegation of overt act is concerned, the same has been attributed against co-accused Ajay Singh and Ramanuj Singh. He further submits that there is counter version of the present case being Sandesh P.S. Case No. 260 of 2022, lodged by the petitioner no.1. He next submits that on account of land dispute, free fight took place between the parties, which resulted into injuries to the persons of both sides. However, the prosecution has failed to explain the injury sustained to the persons of the petitioners' side. He also submits that though the occurrence took place on 09.11.2022, the FIR has been instituted on 10.11.2022, however, the same was sent to the concerned court on 16.11.2022 and, as such, a suspicion has been raised. He next submits that the allegation against the petitioner no.2 to 6 has been attributed that they assaulted Dablu



Pandey and so far the injuries of Dablu Pandey are concerned, the same are found to be simple in nature. He lastly submits that, in fact, petitioner no.1 and petitioner no.6 have also sustained injury, the copy of which has been brought on record.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the petitioner nos. 4, 5 and 6 are carrying criminal antecedent, apart from the fact that specific allegation has been levelled against all of them that they brutally assaulted the informant and his family members and others causing serious injuries.

Learned counsel for the State also opposes the pre-arrest bail application of the petitioners.

Regard being had to the submissions made on behalf of the parties and considering the case and counter case between the parties on account of land dispute and the nature of injuries, which are simple in nature sustained to one Dablu Pandey, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.1st Bhojpur at Ara, in connection with Sandesh P.S. Case No. 240 of 2022,



subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Harish Kumar, J)

rohit/-

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

