

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23467 of 2023

Arising Out of PS. Case No.-535 Year-2022 Thana- BIDUPUR District- Vaishali

1. BACHCHU SINGH SON OF LATE TAARNI SINGH RESIDENT OF VILLAGE - KHILWAT, P.S. - BIDUPUR, DISTT. - VAISHALI
2. SUNIL SINGH @ SUNIL KUMAR, SON OF BACHCHU SINGH RESIDENT OF VILLAGE - KHILWAT, P.S. - BIDUPUR, DISTT. - VAISHALI
3. BITTU SINGH @ BITTU KUMAR, SON OF BACHCHU SINGH RESIDENT OF VILLAGE - KHILWAT, P.S. - BIDUPUR, DISTT. - VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 At the outset, the learned counsel for the petitioners seeks liberty to withdraw the present petition qua the petitioner no. 3, in order to enable him to surrender before the learned Court below within a period of four weeks from today and avail the privilege of regular bail. Liberty, so sought, is granted.

The present petition qua the petitioner no. 3 stands dismissed as not pressed.

Heard the learned counsel for the petitioners no. 1 and 2 and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Biddupur P.S. Case No. 535 of 2022, registered



for the offence punishable under Sections 147, 148, 341, 323, 324, 447, 307, 504 and 506/34 of the Indian Penal Code.

The allegation is regarding the petitioners no. 1 and 2 having assaulted the father of the informant while the petitioner no. 3 had assaulted the informant by *hasuli* resulting in cutting of the thumb of his right hand and the injury, sustained by him, has been found to be grievous in nature.

The learned counsel for the petitioners no. 1 and 2 submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners 1 and 2 has further submitted that as far as the petitioners no. 1 and 2 are concerned, they are alleged to have assaulted the father of the informant, but the injuries, sustained by him, have been found to be simple in nature, hence, at least, the petitioners no. 1 and 2 be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 1 and 2, taking into account the materials available on record as also considering the fact that the main



accused person appears to be the petitioner no. 3, inasmuch as he has given a hasuli blow upon the informant resulting in him sustaining grievous injuries, however, the petitioners no. 1 and 2, though have been alleged to have assaulted the father of the informant, but the injury, sustained by him, has been found to be simple in nature and moreover, they are having a clean antecedent, hence, I deem it fit and proper to admit the petitioners no. 1 and 2 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1 and 2 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali District Court at Hajipur in connection with Biddupur P.S. Case No. 535 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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