

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19498 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- ITARHI District- Buxar

1. Satyendra Singh @ Satyendra Kumar Singh S/O Shiv Kishor Singh @ Kishor Rai @ Jai Kishor Singh R/O Village-Orap, P.S.-Itarhi, District-Buxar
2. Amit Singh, Village- Orap, P.S. Itarhi, District Buxar
3. Atendra Singh S/O Shiv Kishor Singh @ Kishor Rai @ Jai Kishor Singh R/O Village-Orap, P.S.-Itarhi, District-Buxar
4. Shiv Kishor Singh @ Kishor Rai @ Jai Kishor Singh S/O Late Triveni Singh @ Late Triveni Rai R/O Village-Orap, P.S.-itarhi, District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Amit Kumar Pandey, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioners apprehend thier arrest in connection
with Itarhi P.S. Case No. 95 of 2021 registered for the offence
punishable under Sections 341, 147, 148, 149, 323, 307, 379,
504 and 506 of the Indian Penal Code.

Allegedly, while the son of the informant, aged about
14 years was crossing street, in the meantime, all the accused
persons including the petitioners thrashed his son and when the
daughter of the informant came to his rescue, she was also



assaulted by the petitioners. It is further alleged that having come to know about the occurrence, when the informant rushed to the place of occurrence, he was also assaulted by the petitioners and others.

Learned counsel appearing on behalf of the petitioners submits that both the parties are agnates and there is a land dispute between them, apart from the fact that there is a long standing enmity which has been disclosed in paragraph no. 7 and 8 of the bail petition. He further submits that on account of the land dispute, a proceeding under Section 107 of the Cr.P.C. has also been initiated. Further submissions has been made that the police after investigation submitted charge-sheet only under bailable Section, however, differing with the final form, the learned Court below has taken cognizance for the offence as alleged in the FIR. The injuries which are allegedly sustained to the informant and his daughter are simple in nature.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioners and submits that the learned Court below has taken cognizance for the offence as alleged in the FIR.

Regard being had to the submissions made on behalf of the parties and considering the fact that the police after



investigation submitted final form only in bailable Section, apart from the fact that the injuries are simple in nature, coupled with the long standing enmity between the parties, 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 bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 95 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

shivank/-

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

