

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37757 of 2023

Arising Out of PS. Case No.-448 Year-2022 Thana- KARAHGAR District- Rohtas

1. MUKESH SINGH @ SANDEEP KUMAR SINGH, SON OF BALESHWAR SINGH, RESIDENT OF VILLAGE- KUMHILIAN ARARUA, PS- KARGHAR, DISTRICT- ROHTAS
2. PRINCE KUMAR SINGH @ PRINCE KUMAR, SON OF BIR BAHADUR SINGH, RESIDENT OF VILLAGE- KUMHILIAN ARARUA, PS- KARGHAR, DISTRICT- ROHTAS
3. DEEPAK SINGH @ DEEPAK KUMAR SINGH, SON OF BIR BAHADUR SINGH, RESIDENT OF VILLAGE- KUMHILIAN ARARUA, PS- KARGHAR, DISTRICT- ROHTAS
4. ARJUN RAY @ ARJUN SINGH, SON OF BISHWANATH SINGH, RESIDENT OF VILLAGE- KUMHILIAN ARARUA, PS- KARGHAR, DISTRICT- ROHTAS
5. RAM JEE SINGH, SON OF BISHWANATH SINGH, RESIDENT OF VILLAGE- KUMHILIAN ARARUA, PS- KARGHAR, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Sanjay Kumar Tiwary, Advocate
For the State	:	Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 28-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.
2. At the outset, learned counsel for the petitioners submits that in view of arrest of Petitioner No.2 during pendency of this application, the same insofar as Petitioner No.2 namely Prince Kumar Singh @ Prince Kumar is concerned, has become infructuous.
3. Hence, Petitioner No.2's application for grant of anticipatory bail is dismissed as infructuous. Prayer for grant of



anticipatory bail is confined to Petitioner Nos. 1, 3, 4 & 5.

4. The petitioners are apprehending their arrest in connection with Karghar P.S. Case No. 448 of 2022 registered for offence under Sections 341, 323, 307, 354, 379, 448, 504, 506 and 34 of Indian Penal Code and Section 27 of Arms Act.

5. While the informant's husband had gone to the fields for cultivation, it is alleged that all the accused persons have indiscriminately assaulted him.

6. It is submitted by learned counsel for the petitioners that specific assault is attributed against co-accused Dilip Singh and there is an allegation that co-accused Anup Singh has opened fire. Against the petitioners, there are general and omnibus allegations, the substratum of which lies in pending land dispute between the parties. It is this dispute which has prompted the prosecution side to lodge criminal case against Petitioner Nos. 3 and 5 in Karghar P.S. Case No. 83 of 2022 earlier. The submission is that against the petitioners, there is no specific assault attributed.

7. Learned APP for the State has opposed the prayer for bail.

8. Considering the rival submissions, nature of allegations and the subsisting land dispute between the parties, this Court is inclined to allow petitioners' prayer for grant of



anticipatory bail.

9. Petitioners' prayer for anticipatory bail is allowed.

10. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas, in connection with Karghar P.S. Case No. 448 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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