

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41121 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- MAHUA District- Vaishali

1. Upendra Singh @ Upendra Kumar Singh son of Late Madan singh Village- Kanhauli Gadhwal, Dhanraj PS- Mahua Dist- Vaishali.
2. Manish Singh @ Manish Kumar Singh son of Upendra Singh @ Upendra Kumar Singh Village- Kanhauli Gadhwal, Dhanraj P.S.- Mahua Dist- Vaishali
3. Ranjeet Singh @ Ranjeet Kumar Singh son of Suryakant Singh Village- Kanhauli Gadhwal, Dhanraj Ps- Mahua Dist- Vaishali.
4. Maharshi Singh @ Maharshi Kumar son of Ranjeet Singh @ Ranjeet Kumar Singh Village- Kanhauli Gadhwal, Dhanraj PS- Mahua Dist- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Das, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Mahua P.S. Case No. 231 of 2023 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 385, 506/34 of the Indian Penal Code. As per statements made in paragraph '3', petitioner no. 1 has got no criminal antecedent whereas petitioner no. 2 has got two criminal antecedents and petitioner nos. 3 and 4 have got one each.



3. Learned counsel for the informant submits that the criminal antecedents have been concealed by the petitioners and he is in possession of the copies of the F.I.Rs. of other cases in which also these petitioners are accused.

4. As per the prosecution story, on 09.04.2023 at about 02:30 P.M., when the informant was constructing boundary wall, all the accused persons including these petitioners and some unknown accused persons came there and started abusing him. It is alleged that Manish Kumar (petitioner no. 2) pointed pistol upon on the head of the son of the informant and co-accused Kundan Singh gave iron rod blow on the head and left hand of the son of the informant which caused grievous injuries. It is further alleged that some unknown accused persons assaulted the informant by means of slaps and lathi and Ranjeet Singh (petitioner no. 3) took away his wrist watch and Maharshi Singh (petitioner no. 4) took away his golden chain worth Rs.60,000/-. It is further alleged that co-accused Kundan Singh pressed the neck of the informant with an intention to kill him.

5. Learned counsel for the petitioners submits that there is a case and counter case between the parties and the alleged occurrence is said to have taken place on account of a



land dispute between the co-sharers. Learned counsel further submits that so far as the specific allegation of assault is concerned, it is against one Kundan Singh who is not in the present case.

6. On the other hand, learned counsel for the informant submits that all these petitioners had actively participated in the alleged occurrence in which the informant and his son had been injured and grievous injuries have been caused to them.

7. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

8. Having regard to the facts and circumstances of the case, taking into consideration the submission and the materials wherein it appears from the FIR that the allegations of causing assault is against the named accused as well as all the unnamed accused, the specific allegation of causing assault on the head of the son of the informant is against co-accused Kundan Singh who is not before this Court and the allegation of causing assault on the informant is against unknown persons, in the nature of the materials, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with



Mahua P.S. Case No. 231 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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