

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42418 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- MAKER District- Saran

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1. NISHANT SINGH son of Lalan Singh Village- Tara Amnor PS - Maker Dist- Saran
 2. Prasant Singh @ PRASANT KUMAR SINGH son of Lalan Singh Village- Tara Amnor PS- Maker Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 354, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The informant alleges that on account of pre-existing dispute the accused persons including the petitioners came, entered into her house and assaulted her. Further Prashant Singh (petitioner no. 2) assaulted Kaushalya Devi by Katta causing injury on her forehead and Nishant Singh (petitioner no. 1) assaulted Rishu Kumari by *Sabbal* causing injury on her head



thereafter Vicky Singh and Lallan Singh assaulted Rekha Devi by lathi causing fracture of her left shoulder thereafter Sita Devi and Lovely Kumari assaulted Babi Kumari and Nishant Singh (petitioner no. 1) assaulted Babi Kumari causing fracture of her teeth and snatched her chain and ring and Nishant and Prashant tried to disrobe her daughter-in-law.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that on account of dispute relating to land the present occurrence is alleged to have taken place. It is next submitted that an FIR has been instituted from the side of the petitioners also which was also in time and from perusal of the same, it would manifest that the informant of the said case alleges that their family was confined in the house after being assaulted and accordingly the police was informed, the police came and took the injured to the hospital for treatment. It is also submitted that thereafter the present FIR came to be instituted with exaggerated allegation. It is further submitted that no doubt Prashant and Nishant are alleged to have assaulted Kaushalya Devi, Babi Kumari and Rishu Kumari but then the injury of Rishu Kumari and Babi Kumari are simple in nature. It is fairly submitted that one of the injuries suffered by Kaushalya Devi on



account of assault by Prashant Singh (petitioner no. 2) is grievous in nature and is also on the vital part of the body.

6. Considering the submissions, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 2 Prasant Singh @ Prasant Kumar Singh. Hence, his prayer for anticipatory bail is rejected.

7. However, petitioner no. 1 Nishant Singh, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Maker P.S. Case No. 257 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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