

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43905 of 2023

Arising Out of PS. Case No.-728 Year-2022 Thana- MADHAURAH District- Saran

1. ARUN SINGH SON OF LATE SUDAMA SINGH VILLAGE NAUTAN,
PS MARHURAH, DIST- SARAN
2. BIRENDRA SINGH SON OF LATE SUDAMA SINGH VILLAGE
NAUTAN, PS MARHURAH, DIST- SARAN
3. ADITYA PRAKASH @ RITIK KUMAR SON OF ARUN SINGH
VILLAGE NAUTAN, PS MARHURAH, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Marhowrah P.S. Case No. 728 of 2022 dated 22.11.2022,
instituted for the offence punishable under Sections 147, 149,
341, 323, 324, 307, 427, 504 and 506 of the Indian Penal Code.

3. The Prosecution case, in brief, is that on 10.11.2022
at about 10:00 pm petitioner nos. 1 to 3 along with other co-
accused persons had come to informant's house in regard to
some previous dispute and started abusing. It is further alleged
that when informant raised objection, they assaulted him with an



intention to kill him and his family member and caused grievous injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is a case and counter case and due to scuffle both the sides were injured. From Petitioner's side Petitioner No. 3 (Aditya Prakash) suffered grievous injury. It is submitted that *fardbeyan* was recorded after two days of the occurrence and the F.I.R. was registered after twelve days of the occurrence. It is stated that the informant and his nephew, namely, Rohit Kumar had assaulted Petitioner No. 3 (Aditya Prakash) upon protest made by Aditya Prakash not to play abusive song at the door of Pappu Rai in a Chhathiar ceremony (a ceremony at sixth day of child's birth) wherein, Aditya Prakash got heavily injured and on the application of Usha Devi wife of Petitioner No. 2 (Birendra Singh), Marhowrah P.S. Case No. 748 of 2022 dated 29.11.2022 was instituted. It is submitted that nature of injury caused by Petitioner No. 2 (Birendra Singh) upon Rohit Kumar is stated to be grievous in nature and injury report of the informant is stated to be simple in nature, who was assaulted by Petitioner No. 1 (Arun Singh). Lastly, it has been submitted that petitioners have



no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the Petitioner No. 1 (Arun Singh) and Petitioner No. 3 (Aditya Prakash) in connection with Marhowrah P.S. Case No. 728 of 2022, Petitioner No. 1 (Arun Singh) and Petitioner No. 3 (Aditya Prakash) shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chhapra, subject to condition as laid down under Section 438(2) of the Cr.P.C..

7. So far Petitioner No. 2 (Birendra Singh) is concerned, his prayer for anticipatory bail is rejected.

(Khatim Reza, J)

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