

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46095 of 2023

Arising Out of PS. Case No.-153 Year-2011 Thana- TARAIIYA District- Saran

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Arun Singh @ Arun Kumar Singh Son Of Late Bhulan Singh Vill. Nandanpur
Ps. Taraiya Dist. Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Taraiya P.S. Case No. 153 of 2011, registered on 06.11.2011 for the offences under Sections 341, 323, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons who were armed with iron rod, chain etc. assaulted the informant and Advocate Commissioner who was accompanying him while going to a disputed land for getting him the possession of the same in Execution Suit No. 62/2009 in compliance of order of the court of learned Sub-Judge-8th, Saran at Chapra, whereby the informant sustained a number of injuries.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation of assault against altogether seven accused persons, but no overt act has been attributed to this petitioner. Learned counsel further submits that during investigation the case was found untrue against the petitioner and closure report against the petitioner was submitted. But vide order dated 21.10.2022, the learned court below took cognizance against the petitioner differing with the police report. There is counter-case lodged as Taraiya PS Case No. 157 of 2011 under Sections 147, 148, 341, 323, 307 and 379 of the Indian Penal Code against the informant's side. Learned counsel further submits that there could be no application of Section 353 IPC in this case as the informant is not a public servant. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was exonerated by the police though cognizance was taken by the learned court below and further considering the non-specific nature of allegation against him



and also considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Saran at Chapra/ court concerned in connection with Taraiya P.S. Case No. 153 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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