

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54582 of 2023

Arising Out of PS. Case No.-568 Year-2022 Thana- KESARIA District- East Champaran

1. SAROJ SINGH @ SAROJ KUMAR SINGH SON OF RAJENDRA SINGH
RESIDENT OF DARMIYA, PS- KESARIYA, DIST- EAST CHAMPARAN
2. RAJU SINGH SON OF LATE SUDISH SINGH RESIDENT OF
DARMIYA, PS- KESARIYA, DIST- EAST CHAMPARAN
3. AJAY SINGH @ SHAILENDRA KUMAR SON OF RAMADHAR SINGH
RESIDENT OF DARMIYA, PS- KESARIYA, DIST- EAST CHAMPARAN
4. MOHAN SINGH @ MOHAN KUMAR SINGH SON OF ASHARFI
SINGH RESIDENT OF DARMIYA, PS- KESARIYA, DIST- EAST
CHAMPARAN
5. SATYENDRA SINGH @ SATYENDRA KUMAR @ AKSHAY KUMAR
SON OF ASHARFI SINGH RESIDENT OF DARMIYA, PS- KESARIYA,
DIST- EAST CHAMPARAN
6. DHIRENDRA SINGH @ DHIRENDRA KUMAR @ DHIRENDRA
KUMAR SINGH SON OF AWADHESH SINGH RESIDENT OF
DARMIYA, PS- KESARIYA, DIST- EAST CHAMPARAN
7. UMESH SINGH SON OF LATE YOGI SINGH RESIDENT OF
DARMIYA, PS- KESARIYA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 06-12-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Kesariya Police Station Case No. 568 of 2022,
disclosing offences under Sections 307, 323, 147, 148, 149, 504
of the Indian Penal Code and Section 27 of the Arms Act.



3. As per the First Information Report, on 18.11.2022, while the informant was sitting with another person, in the meanwhile, all the accused persons, including the petitioners, arrived there, surrounded them, abused them and when the informant objected, the petitioner No. 1 ordered to shoot him, co-accused fired upon him but the bullet did not hit him. Petitioner No. 4 and 5 took out knife and proceeded towards the informant but were stopped by the local people. Petitioner No. 6 ordered to kill him due to the fact that the informant had disturbed him in Panchayat election. Upon his exhortation, petitioner No. 1 and 3 and one Dhirendra Singh, with their licensed pistol, started chasing him. The police has recovered empty cartridges from the place of occurrence.

4. Learned Counsel for the petitioner submits that the petitioners have falsely been implicated in the present case due to political reasons arising out of Panchayat election dispute. The petitioner No. 6, in the election of Panchayat Samiti, secured 1447 votes and the informant had secured lesser votes than petitioner No. 6 as 1158 votes. There is a counter case also lodged by the petitioner No. 1 bearing Kesariya P.S. Case 569 of 2022 against the informant and others.

5. Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that it appears to be election dispute between both the parties, case and counter case is there and nobody has sustained injury due to the alleged firing, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Saroj Singh @ Saroj Kumar Singh, Raju Singh, Ajay Singh @ Shailendra Kumar, Mohan Singh @ Mohan Kumar Singh, Satyendra Singh @ Satyendra Kumar @ Akshay Kumar, Dharendra Singh @ Dharendra Kumar @ Dharendra Kumar Singh, Umesh Singh , in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Kesariya Police Station Case No. 568 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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