

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.49688 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- BATHNAHA District- Sitamarhi

1. SHANTU SINGH @ SHANTANU SINGH S/O MAHESHWAR SINGH R/O VILLAGE- SONBARSA PS. BATHNAHA, DIST. SITAMARHI
2. VIPUL SINGH S/O TAPESHWAR SINGH R/O VILLAGE- SONBARSA PS. BATHNAHA, DIST. SITAMARHI
3. PAWAN SINGH S/O VRIJNANDAN SINGH R/O VILLAGE- SONBARSA PS. BATHNAHA, DIST. SITAMARHI
4. BALESHWAR SINGH S/O LATE BABUJI SINGH R/O VILLAGE- SONBARSA PS. BATHNAHA, DIST. SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 16-08-2023
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Bathnaha Police Station Case No. 102 of 2023, dated 21.03.2023, disclosing offences punishable under Sections 447/341/323/307/379/504/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that on 08.03.2023, while the informant, along with his



family members, was sitting at his door, in the mean time, co-accused Lalo Singh and the petitioner no. 3 arrived there in drunken condition and tried to take liquor at the door of the informant, which was protested by the informant and his family members, upon which co-accused persons went away from there. It has further been alleged that after some time, the petitioners, along with other co-accused persons, armed with dabia, rod and knives, arrived there and assaulted the informant and his family members. The petitioners have allegedly assaulted the informant and his mother and co-accused Lalo Singh assaulted the informant's father on his head by means of bamboo, due to which he sustained serious injury.

4. Learned Counsel for the petitioners submits that there is inordinate delay in lodging of the First Information Report inasmuch as the occurrence has allegedly taken place on 08.03.2023, but the First Information Report has been lodged on 21.03.2023. He further submits that the allegation upon the petitioners is that the petitioner nos. 1 and 2 assaulted the informant by means of fists, slaps and rod and petitioner nos. 3 and 4 assaulted the mother of the informant. Referring to the impugned order, he submits



that the prosecution failed to produce the injury reports before the learned District Court at the time of hearing of the bail petition and according to the instruction of the learned Counsel, the informant and his mother did not sustain any grievous injury. He further submits that a counter case, for the same occurrence, has also been lodged by the side of the petitioners.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that no serious injury has been caused to the informant or his mother and the prosecution failed to produce the injury reports, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in connection with Bathnaha Police Station Case No. 102 of 2023, subject to the condition laid down



under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

