

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48937 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- NOKHA District- Rohtas

1. MUKESH SINGH Son of Ramdeo Singh @ Ram Davar Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
2. VISHAL SINGH Son of Ramdeo Singh @ Ram Davar Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
3. VIKASH SINGH Son of Munna Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
4. JAY PRAKASH SINGH Son of Munna Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
5. PARMESHWAR SINGH Son of Bhuwar Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
6. RAMESHWAR SINGH Son of Bhuwar Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
7. GORAKH SINGH Son of Jay Narayan Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
8. SANJAY SINGH Son of Shiv Munni Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.
9. RAKESH SINGH Son of Uma Shankar Singh Resident of village- Gopalpur, P.S.- Nokha, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and the State through video conferencing in view of the Covid-19.

At the outset, it has been submitted that petitioner no.5 has been arrested and as such his prayer became



infructuous.

The petitioners apprehend their arrest in connection with Nokha P.S. Case No. 95 of 2022 instituted under Sections 147, 148, 149, 341, 323, 325, 326, 307, 448, 504 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the allegation against all the accused persons are of assaulting the injured persons causing injuries to them. Accordingly, the FIR was filed.

Learned counsel for the petitioners submit that the present case is counter blast to the Nokha P.S. Case No. 94 of 2022 lodged by the petitioners side in which they had also suffered injuries. The further submission is that on the occasion of 'Holi', it was the informant side who were the aggressor and as the petitioner tried to save themselves, the present occurrence took place.

The further submission is that although number of injuries have been shown in the FIR, Annexure-4 series would show that all of them have been found to be simple in nature by the Primary Health Centre, Nokha by the Medical Officer of the Primary Health Centre Nokha.

The last submission is that they being agnates, on their own they are ready to pay Rs. 50,000/- towards treatment



cost which shall be given by way of Demand Draft in favour of the informant through local State Bank of India branch to be deposited in the Nazarat of the said court and to be released in their favour after checking the credentials. This being done irrespective of the result of the present petition.

Learned APP on the other hand submits that allegation of assault is against all the accused persons although he concedes that the injuries have been found to be simple in nature.

Taking into account the fact that there is case and counter case, the case lodged by the petitioners side is of earlier one, the injuries have been found to be simple in nature and the petitioners on their own are providing Rs. 50,000/- as treatment cost to the informant and further none of them are having criminal antecedent, this Court is inclined to grant them relief.

Let the petitioners (save and except petitioner No. 5 who has since been arrested) be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Nokha P.S. Case No. 95 of 2022 to the satisfaction of learned SDJM, Rohtas at



Sasaram subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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