

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52464 of 2022

Arising Out of PS. Case No.-762 Year-2021 Thana- GARKHA District- Saran

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1. SANTOSH SINGH @ SANTOSH KUMAR SINGH S/o Late Ramgati Singh R/o village- Kasina, P.S.- Garkha, District- Saran at Chapra (Bihar)
 2. Ashok Singh @ Ashok Kumar Singh S/o Ramsevak Singh R/o village- Kasina, P.S.- Garkha, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	Mr. Krishan Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 23-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The Petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 323, 324, 307, 380 and 504 read with Section 34 of the Indian Penal Code and later on added Section 302 of the IPC.

As per the prosecution case, the petitioners and the



co-accused persons came to the house of the informant and started assaulting and pelting stones, due to that the informant's family members Devanti Devi, Deep Narayan Singh and Sanjay Singh sustained injuries on their heads and they snatched Rs. 50,000/- and also demolished the wall of the house of the informant.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The allegation against the petitioners is of pelting the bricks. There was no intention/knowledge to commit murder of the deceased. There is case and counter case between the parties. The informant sustained injury which is simple in nature and the injured Sanjay Singh also sustained injury which is stated to be simple in nature. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant has stated that the injured Deep Narayan Singh died after one and a half month from the date of occurrence. As per the postmortem report, the cause of death is head injury.

Considering the aforesaid facts and circumstances of



the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Chapra at Saran in connection with Garkha P.S. Case No. 762 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with a condition:-

1. The court below shall verify the criminal antecedents of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Chandra Prakash Singh, J)

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