

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53708 of 2023

Arising Out of PS. Case No.-749 Year-2020 Thana- BANKA District- Banka

1. Labbar Singh @ Jay Kant Singh, aged about 45 years, Male, son of late Shankar Singh.
2. Rohit Kumar Singh @ Rohit Kumar, aged about 27 years, Male, son of Vilash Singh
Both resident of village- Rainiya, PS and Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Banka PS Case No.749 of 2020 dated 13.09.2020, instituted under Sections 147, 148, 149, 323, 324, 307, 379, 447, 504 of the Indian Penal Code.

3. The allegation against the petitioners is that they along with others came at the shop of the informant with *lathi*, *danda*, iron rod and country-made pistol and assaulted the informant as also committed loot in the shop. When the informant's son, Sachin Kumar Singh, came to save his father, he too was assaulted by means of iron rod. It is also alleged that



the nephew and the wife of the deceased were also assaulted when they came to save the informant and his son. It is also alleged that petitioner no. 2, Rohit Kumar, assaulted the nephew of the informant by means of axe.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. It is submitted that the allegation against the petitioner no. 1 is general and omnibus in nature. Allegation against the petitioner no.2 is that he assaulted the nephew of the informant, Raunak Singh, by means of axe causing bleeding on his head. It is further submitted that the injury report of Raunak Singh is annexed as Annexure-2 series, which does not support the allegation against the petitioner no.2 and the nature of injury is simple. It is further submitted that co-accused Brahmdeo Singh and Sipi Kumar as well as Subhash Singh and Mithun Singh have been granted anticipatory bail by different co-ordinate Benches of this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 25419 of 2023 and order dated 12.07.2023 passed in Cr. Misc. No.26750 of 2023 respectively. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Banka, in Banka PS Case No.749 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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