

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56834 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. PARAS NATH SINGH @ PARAS SINGH, Male, aged about 60 years,
SON OF LATE RAMJANAM SINGH
 2. ASHISH KUMAR @ KALAI @ ASHISH KUMAR SINGH, Male, aged
about 25 years, SON OF TARKESHWAR SINGH
Both are RESIDENT OF VILLAGE- JALALPUR, PS- GOUTAM BHUDH
NAGAR, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bharat Bhushan, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the informant	:	Mr. Irshad Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 20-09-2023
1. Heard learned counsel for the petitioners, learned
counsel for the informant and the learned APP for the State.
 2. The petitioners apprehend their arrest in
connection with Goutam Bhudh Nagar (G.B. Nagar) P.S. Case
No. 261 of 2023 dated 09.07.2023 registered for the offence(s)
punishable under Section(s) 341, 323, 325, 307, 379, 504, 506
read with Section 34 of the Indian Penal Code.
 3. The main submissions advanced by the learned
counsel for the petitioners are that both the parties are agnates,
in between them, there is a land dispute, there is case and
counter case in between them and there is no specific allegation



against the petitioner no.1, who is 60 years old person and as per allegation, the petitioner no.2 assaulted at the head of the informant by means of an iron rod but on the head of the said victim, no injury was found and both the petitioners have fair and clean antecedent. Further submission is that the investigating officer did not find any shop of the informant which is stated to be the place of occurrence.

4. Learned counsel appearing for the informant has vehemently opposed the bail prayer of both the petitioners and submitted that on the person of the informant, three fracture injuries were found by the doctor concerned, out of them, one was found at left maxillary which is a part of head and the said injury corroborates the allegation made against the petitioner no.2.

5. Considering the above submissions and mainly the facts that against petitioner no.1 there is no specific allegation and he is simply stated to be a member of the assailants but any specific role of him in committing the alleged occurrence has not been revealed and he has fair and clean antecedent and he is stated to be about 60 years old person, in my opinion, in the said circumstances, **petitioner no.1, namely, Paras Nath Singh @ Paras Singh** deserves to the privilege of anticipatory bail.



Accordingly, let the petitioner no.1, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Goutam Bhudh Nagar (G.B. Nagar) P.S. Case No. 261 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. So far as the prayer of petitioner no.2 is concerned, considering the seriousness of allegation appearing against him, who is alleged to have assaulted at the head of the informant and on the person of the informant, three fracture injures were found, in my opinion, petitioner no.2 does not deserve to the privilege of anticipatory bail. Accordingly, his bail prayer stands rejected.

7. At this stage, it is submitted by learned counsel for the petitioners that considering the young age and educational career of the petitioner no.2, his regular bail prayer may be considered on the same day by the court below.

8. In view of the aforementioned submission, petitioner no.2 is directed to surrender before the court below. If he surrenders within 15 days from the date of this order then



the learned trial court shall decide the regular bail prayer of
the petitioner no.2, preferably on the same day on merit,
without being prejudiced by this order.

(Shailendra Singh, J)

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