

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57059 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- KESARIA District- East Champaran

1. UPENDRA SINGH S/O LATE JANARDHAN SINGH
2. Amarendra Singh @ Arbendra Singh S/O LATE JANARDHAN SINGH
3. DHARMENDRA SINGH S/O LATE JANARDHAN SINGH
All Resident of village- Phooltakiya, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Kesariya P.S. Case No.236 of 2021 instituted under Sections 341,342,323,324,307,379,504,506/34 of the IPC.

As per the prosecution story, the informant alleged that he was going to see the goat when the accused persons firstly abused and later assaulted and specific allegation against Dharmendra Singh is of assaulting the father of the informant on his head causing injury. Further, when his brother and nephew came to rescue, allegation against others are also assault. Accordingly, the FIR was lodged.



Learned counsel for the petitioners submit that so far as the petitioner nos.1 and 2, namely Upendra Singh and Amarendra Singh are concerned omnibus allegation of assault is/are against them and again so far as the assault by Dharmendra Singh (petitioner no.3) is concerned, there is no clarity on the injury sustained by the father of the informant.

Taking into account the specific allegation that has come against the Dharmendra Singh (petitioner no.3) of causing injury to the informant's father on his head, this Court is not inclined to grant him privilege of anticipatory bail, which is accordingly rejected.

So far as the petitioner nos.1 and 2 namely Upendra Singh and Amarendra Singh @ Arbendra Singh respectively are concerned, in view of the omnibus allegation against them, they do not have criminal antecedents will be cooperating in investigation and will ultimately face the trial, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioner nos.1 and 2 namely Upendra Singh and Amarendra Singh @ Arbendra Singh be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) each with two sureties of the like amount each in connection with Kesariya P.S. Case No.236 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioner nos.1 and 2 will make themselves available to the police as and when required in course of investigation;

(iii) the petitioner nos.1 and 2 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioner nos.1 and 2 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner nos.1 and 2 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioner nos.1 and 2 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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