

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58850 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- DAUDPUR District- Saran

1. Tarkeshwar Singh S/O Bhola Singh R/O Village- Bangara, Ps. Daudpur, Dist. Saran At Chhapra
2. Sanjiv Kumar Singh S/O Tarkeshwar Singh R/O Village- Bangara, Ps. Daudpur, Dist. Saran At Chhapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Daudpur P.S. Case No. 62 of 2023 dated 23.02.2023 instituted for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 23.02.2023 at about 12.20 hrs, when the informant was present at his Fly Ash brick factory, then one of the petitioner, namely, Sanjiv Kumar started destroying the brick by pouring water on it. On protest made by the informant's staff, namely, Aditya Kumar Singh, petitioner Sanjiv Kumar Singh called his elder



brother, namely, Pankaj Singh, who assaulted Aaditya Kumar Singh by *bhala*, due to which he sustained injury in his head and fell down on the ground. Thereafter, they along with petitioner no. 1 and the wife of Pankaj Singh also assaulted the informant. It is also alleged that the wife of Pankaj Singh has snatched the informant's gold chain and Rs. 5000/- kept in his pocket.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that a case bearing Daudpur P.S. Case No. 74 of 2023 has been lodged under Section 307 of the Indian Penal Code and allied sections on the basis of petitioner no. 1's *Fardbyan* dated 23.02.2023 against the informant's side, in which petitioners and other persons have received injuries which has been mentioned in Annexure-4 series. Learned counsel for the petitioner submits that petitioner no. 2 has instituted a case against the informant of this case as well as other persons as they have assaulted the petitioner no. 1 and his wife as well as wife of Pankaj Singh while Sushila Devi (wife of the petitioner no. 1 and mother of petitioner no. 2) objected to flowing of dirty water from Fly Ash brick plant towards her house. Learned counsel for the petitioners further submits that informant has opened Fly Ash Brick plant in a residential area



and he used to flow the dirty water towards the petitioners' boundary wall. It has been alleged that on 23.02.2023, on an objection being raised, informant of this case entered into his boundary and misbehaved with wife of Pankaj Singh and tried to outrage her modesty and when petitioner no. 1 and Sushila Devi made attempt to save her, he called other persons and they started beating petitioner no. 1 and his wife, due to which the aforesaid Daudpur P.S. case No. 74 of 2023 was lodged. It is further submitted that there is no direct allegation of assault against the petitioners and the informant states that Pankaj Singh had assaulted with *bhala* to Aditya Kumar Singh and when he went to save him, all persons assaulted him. Lastly, it has been submitted that petitioner no. 1 has no criminal antecedent while petitioner no. 2 has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Daudpur P.S. Case No. 62 of 2023, they shall be released on anticipatory 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, Saran at Chhapra subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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