

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59460 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- AGION (GARHANI) District- Bhojpur

1. BHAGENDRA SINGH @ KARIYA SINGH @ BHAJENDRA KUMAR SON OF RAMADHAR SINGH RESIDENT OF VILLAGE- RAGHUNIPUR, PS- UNWANTNAGAR, DISTT- BHOJPUR
2. VIKASH SINGH @ VIKASH KUMAR SON OF HARENDRA SINGH RESIDENT OF VILLAGE- RAGHUNIPUR, PS- UNWANTNAGAR, DISTT- BHOJPUR
3. HARENDRA SINGH SON OF BALI SINGH RESIDENT OF VILLAGE- RAGHUNIPUR, PS- UNWANTNAGAR, DISTT- BHOJPUR
4. BHOLA SINGH SON OF KAULESHAR YADAV RESIDENT OF VILLAGE- PAWAR, PS- PAWANA, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023 Heard learned Counsel for the petitioners, learned APP for the State as also learned Counsel for the Informant.

2. The petitioners apprehend their arrest in connection with Agion (G) P.S. Case No. 41 of 2023 for the offence registered under sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code lodged on 12.03.2023 by the informant, Ram Awatar Singh.

3. As per the prosecution story, the informant alleged that he alongwith Munna Singh were returning from Araura after participating in the engagement ceremony on 04.03.2023 at 10.30 P.M. As soon as they reached near Suari, saw some people in police dress who intercepted his vehicle.



4. It has been further alleged that he identified them as (1) Ramadhar Singh (2) Bhagendra Singh (petitioner no. 1) (3) Jagesh Singh (4) Harendra Singh (petitioner no. 3) (5) Vikash Singh (petitioner no. 2) and Bhola Singh (petitioner no. 4) who assaulted him. Ramadhar Singh gave '*iron rod*' blow on his head where Bhagendra Singh assaulted on his leg by '*rod*', as a result whereof his leg was fractured.

5. Further, Jagesh Singh assaulted on his hand by '*rod*' causing fracture. It has been further alleged that Bhola Singh snatched chain worth Rs. 75,000/- and Vikash Singh took mobile and cash of Rs. 36,000/-. Thereafter, they escaped. The informant was treated at Garhani Hospital and later on at Ara and after treatment, he lodged the FIR.

6. Learned Counsel for the petitioners submit that there is delay in lodging of the FIR *inasmuch as* the occurrence took place on 04.03.2023 whereas the FIR was lodged on 12.03.2023. Further, the occurrence is of 10:30 PM whereas the Injury Report shows that the injured were examined at 7 PM. He as such, submits that the petitioners deserve relief.

7. Learned Counsel for the informant, on the other hand, submits that delay in lodging of the FIR has been explained *inasmuch as* from Garahni Hospital, he was shifted to



Ara and only upon return, lodged the FIR. So far as the timing is concerned, any fault on the part of the Doctor cannot be the basis to negate the allegations.

8. This Court finds force in the submission of the learned Counsel for the informant, he has been able to explain the delay/discrepancy in the FIR/Medical Report.

9. Taking into account the facts there is allegation of assault on petitioner no. 1, Bhagendra Singh @ Kariya Singh of having given rod blow on the leg causing fracture and in that background, no relief can be granted to him and his anticipatory bail application stands rejected.

10. So far as the petitioner nos. 2, 3 and 4 namely, Vikash Singh @ Vikash Kumar, Harendra Singh and Bhola Singh are concerned, the allegation is of snatching mobile (petitioner no. 2) and that of chain (petitioner no. 4) in that background, this Court is inclined to extend them privilege of anticipatory bail.

11. The petitioner nos. 2, 3 and 4 namely, Vikash Singh @ Vikash Kumar, Harendra Singh and Bhola Singh in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Agion (G) P.S. Case No. 41 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 2, 3 and 4 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;

(iii) the petitioner nos. 2, 3 and 4 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2, 3 and 4 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 their bail bonds;

(v) the petitioner nos. 2, 3 and 4 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



12. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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