

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64595 of 2022

Arising Out of PS. Case No.-444 Year-2021 Thana- ATRI District- Gaya

1. Manoj Kumar Singh, Son of Late Ram Gulam Singh, Residing of village - Bare, P.S.- Atri, District - Gaya.
2. Surendra Singh, Son of Late Ram Gulam Singh, Residing of village - Bare, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atul Shankar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, if any, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Atri P.S. Case No. 444 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code.

The allegation against above named petitioners is to assault informant and others alongwith other co-accused persons



while equipped with lathi, rod, Khanti etc. causing bodily injuries, having intention to cause their death, where occurrence is arises out of land dispute.

It is submitted by learned counsel appearing on behalf of petitioners that the allegation as regard to assault is available against co-accused Mirtunjay Singh and Upendra Kumar Singh as to cause leg injuries to informant and others. It is further submitted that from bare perusal of the FIR, no allegation as regard to assault is available against these petitioners. It is further submitted that nature of injury as alleged to be caused during the occurrence is reported to be simple in nature, which is sufficient to gather that petitioners were not under intention to cause death. It is also submitted that as petitioners were involved in criminal cases earlier, for same reasons, the prayer of their anticipatory bail was rejected by the court below, having otherwise no bearing over the merit of present case.

Learned APP, opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact, as allegation of assault is not available against these petitioners, accordingly, above named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be



released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, XVII, Gaya/concerned Court, where the case is pending in connection with Atri P.S. Case No. 444 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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