

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63997 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- KARPI District- Jehanabad

1. UDAY SINGH Son of Late Baliram Singh Resident of Village- Terra, P.S.- Karpi, District- Arwal
2. DILIP KUMAR Son of Uday Singh Resident of Village- Terra, P.S.- Karpi, District- Arwal
3. VIJAY SINGH Son of Late Baliram Singh Resident of Village- Terra, P.S.- Karpi, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Sunil Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 29-04-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.
2. The petitioners have preferred this application for grant of regular bail in connection with Karpi P.S. Case no. 119 of 2022 registered under sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code.
3. As per the prosecution case, it is stated by the informant that the eight named accused persons including the three petitioners herein came variously armed with lathi, danda etc., started to abuse the informant and on the informant asking them not to abuse, all the accused persons indiscriminately



assaulted the informant, as a result of which he sustained fracture of his hand. It is further stated co-accused Satendra Singh assaulted with lathi on his leg. The cause of dispute is the flow of drain water.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case over a trivial dispute between the parties which are borne out from the contents of the FIR itself which was allegedly over flow of water in the drain. The allegations are general and omnibus in nature except on the accused Satendra Singh. The petitioners are in custody since 1.9.2022, they have no criminal antecedent and Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioners are named in the FIR but there is specific allegation of assault against them leading to large number of family members of the informant having sustained serious injuries. Even the trial has commenced in the learned court below and once the petitioners are enlarged on bail they will not cooperate in trial.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners



in the FIR being general and omnibus in nature together with the petitioners having remained in custody for 7 months since 1.9.2022, chargesheet having been submitted in the case and the petitioners not having any criminal antecedent, the petitioners are directed to be enlarged on bail in connection with Karpi P.S. Case no. 119 of 2022 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Arwal on the following conditions:-

(I) The petitioners shall cooperate in the trial.

(II) In case the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioners, the learned trial court may cancel the bail bonds of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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