

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74619 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- FESHAR District- Aurangabad

1. NARAYAN SINGH S/O LATE RAGHO SINGH VILLAGE- PADRIYA, PS. FESAR, DIST. AURANGABAD (BIHAR)
2. RAM EKBAL SINGH S/O LATE RAGHO SINGH VILLAGE- PADRIYA, PS. FESAR, DIST. AURANGABAD (BIHAR)
3. RAMESH SINGH S/O LATE RAGHO SINGH VILLAGE- PADRIYA, PS. FESAR, DIST. AURANGABAD (BIHAR)
4. BAIJU SINGH @ BAIJU KUMAR S/O RAM EKBAL SINGH VILLAGE- PADRIYA, PS. FESAR, DIST. AURANGABAD (BIHAR)
5. SUBHASH SINGH @ SUBHASH KUMAR S/O RAM EKBAL SINGH VILLAGE- PADRIYA, PS. FESAR, DIST. AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Adv.
For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in a case registered for
the offence punishable u/s 147, 323, 341, 324, 307, 504 of IPC.

3. At the outset, learned counsel for the petitioners seeks
permission to withdraw this application only with regard to
petitioner no.4, who has surrendered before the Court below,
during pendency of this application.

4. Permission is granted.



5. Accordingly, this application with regard to petitioner no.4 is dismissed as withdrawn.

6. Now, it is being heard for consideration of anticipatory bail of the rest of the petitioners.

7. As per the prosecution case, on the alleged date, the informant was at his door when the F.I.R. named accused persons including the petitioners came there and asked for excess money for transfer of land. Thereafter, petitioner no.1 assaulted the informant with rod, petitioner no.5 assaulted Ganesh Singh with khanti.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence in the manner as alleged, has ever taken place. There is general and omnibus allegation against the petitioners and the injury of some of the injured were found simple in nature. Petitioners have no criminal antecedent.

9. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioners to assault the informant's side and one of the injured Baby Kumar has sustained grievous injury.

10. Having regard to the facts and circumstances of the case,



since there is no specific overt act against the petitioner nos.2, 3 and 5 named above, let them, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Fesar P.S. Case No.157 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. However, since, there is specific allegation against the petitioner no.1 to assault Baby Kumar and the injury was found grievous in nature, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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