

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74299 of 2023

Arising Out of PS. Case No.-569 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Nitu Kumar @ Nitu Singh Son Of Naresh Singh Resident Of Village - Subhai Chath Pokhar, Police Station - Hajipur Sadar, Distret - Vaishali
2. Naresh Singh Son Of Late Ram Ishwr Singh Resident Of Village - Subhai Chath Pokhar, Police Station - Hajipur Sadar, Distret - Vaishali
3. Sunil Singh Son Of Lae Ram Ishwar Singh Resident Of Village - Subhai Chath Pokhar, Police Station - Hajipur Sadar, Distret - Vaishali
4. Bikash Kumar Son Of Sunil Singh Resident Of Village - Subhai Chath Pokhar, Police Station - Hajipur Sadar, Distret - Vaishali
5. Suraj Kumar Son Of Pravesh Singh Resident Of Village - Subhai Chath Pokhar, Police Station - Hajipur Sadar, Distret - Vaishali
6. Pravesh Singh Son Of Late Ram Ishwar Singh Resident Of Village - Subhai Chath Pokhar, Police Station - Hajipur Sadar, Distret - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP
Mr. Aditya Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Hajipur Sadar P.S. Case No. 569 of 2023 dated 23.07.2023 registered for the offences punishable u/ss 147, 148, 149, 323, 324, 325, 307, 504, 506, 379, 354 of the Indian Penal Code.

3. As per the prosecution case, when the informant was



going to sleep then the petitioners and the co-accused persons along with 3-4 unknown persons are alleged to have come at her house with deadly weapon and started abusing. When the informant's father-in-law forbade them, the accused Ranjeet Kumar assaulted him with iron rod on his head causing head injury and blood started oozing out. The accused Sumit Kumar also assaulted her father-in-law with iron rod causing severe injury on his eye. It is further alleged that when the informant's husband and the mother-in-law came to rescue, the petitioners Sunil Singh, Vikash Kumar and Nitu Singh assaulted them with iron rod with intent to kill them and due to which her mother-in-law sustained injury and due to assault made by Pravesh Singh (petitioner), both hand of her mother-in-law got fractured. Naresh Singh (petitioner) assaulted the informant's husband with iron rod on his head and leg causing injuries. It is further alleged that all the accused persons entered the informant's house and took away valuable ornaments and Rs. 2,00,000/- in cash. Thereafter, the injured persons were taken to the hospital for treatment.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is a case and counter case between the parties. It is further submitted that due to land dispute between the parties, the present case was lodged by the informant against the petitioners. There is no



specific allegation of theft rather the allegation of theft is an ornamental so Section 379 of I.P.C. is not made out against the petitioners. As per injury report of injured, all the injuries are simple in nature caused by hard and blunt substance. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the injuries being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 569 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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