

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72574 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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1. RAHUL KUMAR Son of Manoj Singh @ Manoj Kumar R/v- Rampur
Khajuriya, P.S.- Dumariyaghat, District- East Champaran
 2. SACHIN KUMAR Son of Manoj Singh @ Manoj Kumar R/v- Rampur
Khajuriya, P.S.- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Adv. Mr.Abhishek Kumar, Adv.
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal, Adv.
For the Informant	:	Mr.Sanjay Kumar, Adv. Mr.Shyam Bihari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-02-2023 This case has been listed today under the heading “To Be
Mentioned” at the instance of learned counsel for the
petitioners.

It is submitted by learned counsel for the petitioners that
on 04.02.2023, this case was disposed of by the Hon’ble Court
on the basis of wrong submission of learned counsel for the
informant that petitioners have criminal antecedent and that they
have suppressed this fact from the Hon’ble Court. It is also
submitted that the informant has no any locus standi.

After passing of the order on 04.02.2023, learned counsel
for the petitioner verified the submissions advanced from the



side of informant and found that the said case i.e. Dumariaghat P.S. Case No.89 of 2022 was lodged after the present F.I.R. Thereafter, he immediately informed the Court about the same.

Accordingly, the said order was not signed and was directed to be listed under the heading “To Be Mentioned”.

Under the aforesaid circumstances, the order is being passed in the Court today which reads as follows:

Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in connection with Dumariyaghat P.S. Case No.200 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 and 379 of the Indian Penal Code.

As per averment in F.I.R., the case of the prosecution is that the informant, Anil Singh has filed a written petition before S.H.O. Dumariya Ghat P.S. stating therein that he was a candidate of Mukhiya in Panchayat Election and Dhananjay Kumar Singh was his supporter. On 20.10.2021 at about 05.30 p.m., all accused persons including the petitioners forming an unlawful assembly and holding weapons, *lathi*, *bhala*, iron rod and *farsa* in their hands were waiting for Dhananjay Kumar



Singh at the door of Amrendra Singh and when Dhananjay Kumar Singh reached there, all accused persons started assaulting him. Co-accused, Sujit Kumar gave *farsa* blow on the head of Dhananjay Kumar Singh causing cut injury and bleeding. Co-accused, Manoj Singh opened firing from his gun. Co-accused, Abhimanyu Kumar gave iron rod blow on the shoulder of Dhananjay Kumar Singh due to which he got fracture injury. Co-accused, Mukesh Kumar snatched Rs.5000/- from the pocket of Dhananjay Kumar Singh and thereafter the accused persons threatened him of dire consequences.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. There is case and counter-case between the parties.

Learned APP for the State as well as learned counsel appearing on behalf of the informant opposed the prayer for grant of anticipatory bail to the petitioners.

Having regard to the facts and circumstances of the case, let the above named petitioners, 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 Dumariyaghat P.S. Case No.200 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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