

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4169 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- AMNAUR District- Saran

-
1. Satyendra Singh Son Of Late Ramanand Singh Resident Of Village - Khoipakar Kharg, P.S. And P.O. - Amnour, District - Saran
 2. Rajeshwar Singh Son Of Late Shyam Bahadur Singh Resident Of Village - Khoipakar Kharg, P.S. And P.O. - Amnour, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Awadhesh Kumar, learned counsel

 appearing on behalf of the petitioners and learned Additional

 Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Amnour P.S. Case No. 238 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly all the FIR named accused persons, including the petitioners, who are said to be co-villagers of the informant, came to the land of the informant and started constructing a shed which was protested by the informant, whereupon all the accused persons started abusing and



assaulting the informant. It is specifically alleged that co-accused Sudhir assaulted the informant by means of knife whereas co-accused Sunil Kumar Singh assaulted one Sunny Mishra who is said to be nephew of the informant. Further allegation has been levelled against all the accused persons.

4. It is submitted on behalf of the petitioners that even from the narratives of the FIR it is evident that save and except the petitioners are said to be members of the unlawful assembly and there is no allegation of any overt act. He further submits that so far the petitioner no. 2 is concerned, he is aged about 86 years old and in fact he is not physically fit to perform his daily routine without any help of others. Further submission has been made that the present case is nothing but a counter blast to Amnour P.S. Case No. 230 of 2023 registered at the instance of the petitioners' side against the informant and others. He next submits that admittedly on account of land dispute a free fight has taken place which resulted into injuries to the persons of both the sides and taking note of this fact, co-accused Niraj Singh @ Niraj Kumar @ Kumar Niraj has been allowed the privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 17 of 2024 vide order dated 24.01.2024.

5. On the other hand, learned counsel for the State



opposes the bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the injuries sustained to the informant and his family members have not been attributed to the petitioners, coupled with the fact that co-accused person having identical allegation has been allowed the privilege of anticipatory bail, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Saran in connection with Amnour P.S. Case No. 238 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

