

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12541 of 2024**

Arising Out of PS. Case No.-464 Year-2023 Thana- ARA MUFFASIL District- Bhojpur

1. Manu Kumar Singh S/O Ram Layak Singh R/O Village- Barka Dumra Makhdumpur, P.S- Ara Muffasil, Distt.- Bhojpur.
2. Sonu Kumar Singh S/O Ram Layak Singh R/O Village- Barka Dumra Makhdumpur, P.S- Ara Muffasil, Distt.- Bhojpur.
3. Shubham Kumar Singh @ Lilly S/O Dharmendra Kumar Singh R/O Village- Barka Dumra Makhdumpur, P.S- Ara Muffasil, Distt.- Bhojpur.
4. Aman Kumar Singh S/O Dharmendra Kumar Singh R/O Village- Barka Dumra Makhdumpur, P.S- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-02-2024                      Heard Mr. Dhanendra Choubey, learned counsel for the petitioners and Mrs. Sharda Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ara (Muffasil) P.S. Case No. 464 of 2023, F.I.R. dated 01.11.2023 for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant and his brothers by means of



deadly weapons.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioner nos.1, 3 & 4 have clean antecedent and petitioner no.2 carries one more case other than the present but he is on the bail in the pending matter. He further submits that from a bare perusal of the FIR it appears that although there is specific allegation against the petitioner, namely, Manu Kumar Singh and co-accused Jitu Singh that they assaulted to the brother of the informant, namely, Mukesh Kumar Singh by means of iron rod but injury report of the brother of the informant is reserved and the same is read as follows;

***INJURY REPORT***

C-110612

*Examined- Mukesh Kumar Singh                      Age-48yrs Sex-M  
S/O-Ramjanam singh*

*Add- Badka dumra , Thana-Muffasil Ara, Bhojpur*

*Date-31/10/23 found following findings;*

*MI-Til over left hand*

*Injury- (1)Swelling injury below right elbow joint size 1.5"\*1.5"*

*(2)Swelling at left forearm of size 4.5"\*4"*

*(3)Swelling at left knee size 2"\*1.5"*

*(4)Pain in left leg & chest*

*X-ray-Right elbow, Left forearm, Left knee, Left ieg & Chest AP*

*Nature of Injury – Opinion reserved till on X-ray report comes.*

*Dr Kumar Nitish*

*M.O*

*Sadar Hospital Ara*

*31/10/23*



He further submits that there is specific allegation against petitioner no.3 that he assaulted with sword to the informant, namely, Manoj Kumar Singh and injury report of the informant is reserved and the same is read as follows;

***INJURY REPORT***

C-110619

*Examined-Manoj kumar singh*

*Age-52yrs Sex-M*

*S/O-Ramjanam singh*

*Add- Badka dumra , Thana-Muffasil Ara, Bhojpur*

*Date-31/10/23 found following findings;*

*MI-Til on right forehead*

*Injury- (1)L/W with oozing of blood at left parietal scalp of size 2.0" x 1.0"*

*(2)Pain in chest*

*X-ray- Chest AP & CT brain*

*Nature of Injury Opinion reserved till on X-ray & CT scan report comes.*

*Dr Kumar Nitish*

*M.O*

*Sadar Hospital Ara*

*31/10/23*

He further submits that there is case and counter case between the parties and both the parties are *Gotiyas*. He further submits that both the parties have entered into an agreement and filed a compromise petition before the learned Court below that they do not pursue the matter against each other.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners on the ground that petitioner no.2 carries one more criminal antecedent other than the present one.



6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur in connection with Ara Muffasil P.S. Case No. 464 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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