

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28994 of 2024

Arising Out of PS. Case No.-724 Year-2023 Thana- GARKHA District- Saran

1. RAJ KISHORE SINGH SON OF LATE CHANDESHWAR SINGH
RESIDENT OF VILLAGE - PIROWNADIH, POLICE STATION -
GARKHA, DISTRICT - SARAN
2. SUMENDRA SINGH @ SUBINDRA KUMAR SON OF KAMESHWAR
SINGH RESIDENT OF VILLAGE - PIROWNADIH, POLICE STATION -
GARKHA, DISTRICT - SARAN
3. NITISH KUMAR @ RITESH KUMAR SON OF KAMESHWAR SINGH
RESIDENT OF VILLAGE - PIROWNADIH, POLICE STATION -
GARKHA, DISTRICT - SARAN
4. RAUSHAN KUMAR SON OF RAJ KISHORE SINGH RESIDENT OF
VILLAGE - PIROWNADIH, POLICE STATION - GARKHA, DISTRICT -
SARAN
5. NIRALA KUMARI DAUGHTER OF RAJ KISHORE SINGH RESIDENT
OF VILLAGE - PIROWNADIH, POLICE STATION - GARKHA,
DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 341, 323, 325, 307, 379, 504, 506,
34 and 427 of the IPC.

3. Allegation against the petitioners is that they assaulted the
father of the informant with deadly weapons. Petitioner nos.2



and 4 assaulted father of the informant with iron rod on his head, petitioner no.1 assaulted him with iron rod on left hand and petitioner nos.5 and 3 assaulted his father with bricks and sticks.

4. 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 due to grudge. No such occurrence, in the manner as alleged, has ever taken place. It is fairly submitted that there is specific overt act against the petitioner no.1 to assault the father of the informant on left hand, which injury has been found grievous in nature. There is admitted land dispute between the parties and for the alleged occurrence, there is a case and counter-case between the parties. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering that there is general and omnibus allegation against the petitioner nos.2, 3, 4 and 5, let the above named petitioner nos.2, 3, 4 and 5, 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 Garkha P.S. Case No.724 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering that the author of the grievous injury is the petitioner no.1, 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.

8. However, petitioner no.1 is at liberty to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that there is admitted land dispute between the parties.

9. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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