

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25962 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- SINGHESHWAR District- Madhepura

1. Sandip Sardar Son of Mahabir Sardar Resident of Village- Champanagar P.S. Singheshwar District- Madhepura
2. Pradip Sardar Son of Mahabir Sardar Resident of Village- Champanagar P.S. Singheshwar District- Madhepura
3. Jitan Sardar Son of Ishwar Sardar Resident of Village- Champanagar P.S. Singheshwar District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Singheshwar P.S. Case No. 39 of 2023, registered on 20.02.2023 for the alleged offences under Section 341, 323, 324, 307, 302, 504, 147,148 and 149 of the Indian Penal Code.

03. As per prosecution case, petitioners and other eleven co-accused persons in the background of old enmity started abusing and assaulting the informant and when the mother intervened to save him she was assaulted by petitioner nos. 1 & 2 and two other co-accused persons with butt of spade causing

serious injuries in the head and chest of the mother of the informant. Subsequently, mother of the informant succumbed to her injuries.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is land dispute between the parties and title suit no. 339 of 2021 is pending between the parties. Altogether 14 persons have been made accused and there is only general and omnibus allegation against the petitioners specially petitioner nos. 1 & 2 that they assaulted the mother of the informant by butt of the spade on head and chest. However, the post mortem report shows only one external injury. Moreover, for causing injury to the mother of the informant allegation is against four persons. Earlier also due to land dispute the petitioner nos. 1 & 2 have been made accused in one case by the informant side.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that post mortem report shows while mentioning external examination that there has been fracture of right temporal bone and further abdomen was found full with blood and urinary bladder was also found ruptured, right chamber was also found to have clotted blood. Learned counsel further submits that cause of death has been mentioned as hemorrhage and shock due to cardiac

shock in the post mortem report due to the injuries caused by hard and heavy substance.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is specific allegation against petitioner nos. 1 & 2 for causing fatal injuries and post mortem report corroborates the fact, I do not think it a fit case for grant of anticipatory bail to petitioner nos. 1 & 2, namely, **Sandip Sardar** and **Pradip Sardar**. Hence, the prayer for grant of anticipatory bail to petitioner nos. 1 & 2 is rejected.

07. Further, considering the fact that there is no specific allegation against petitioner no. 3 for any assault or causing injuries to the mother of the informant, let the petitioner no. 3, namely, Jitan Sardar, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Madhepura in connection with Singheshwar P.S. Case No. 39 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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