

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29252 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- NARAINPUR District- Bhojpur

1. Shiv Narayan Singh, male, aged about 60 years, S/o Kesho Singh,
2. Chandan Singh @ Chandan Kumar, male, aged about 20 years, son of Kamlesh Singh,
3. Sachita Singh @ Satish Kumar Singh, male aged about 42 years, son of Kesho Singh,
4. Kamlesh Singh, male, aged about 50 years, son of Kesho Singh,
5. Rikesh Singh @ Jata @ Rikesh Yadav, male aged about 26 years, son of Sachita Singh @ Satish Kumar Singh,
6. Rajesh Singh @ Rajesh Yadav @ Rajesh Kumar Singh, male, aged about 30 years, parentage not given
All resident of village- Jogta, P.S. - Chandi, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2024 Learned counsel for the petitioners submits that during pendency of this application petitioner no.6, Rajesh Singh @ Rajesh Yadav @ Rajesh Kumar Singh, has been arrested. Learned counsel wants to withdraw this application in so far as it relates to petitioner no.6, Rajesh Singh @ Rajesh Yadav @ Rajesh Kumar Singh.

2. In such view of the matter, this application is dismissed as withdrawn in so far as it relates to petitioner no.6, Rajesh Singh @ Rajesh Yadav @ Rajesh Kumar Singh.



3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

4. The petitioners except petitioner no.6 apprehend arrest in connection with Narayanpur PS Case No.102 of 2023 dated 17.11.2023, instituted under Sections 341, 323, 307, 354, 504, 506/34 of the Indian Penal Code.

5. The prosecution case, in brief, is that on the alleged date and time of occurrence the petitioners came at the door of the door of the informant armed with *lathi* and started abusing. When the informant objected, petitioner no.1 asked to assault upon which Rajesh Singh gave a blow of *Baisakhi* on the head of the informant from behind. When the nephew of the informant came to save him, he was assaulted by Rikesh Singh and Chandan by means of *farsa* and *lathi* respectively. Elder brother of the informant was assaulted by Kamlesh Singh by means of iron rod. He was also assaulted by Shiv Narayan Singh by means of sword. The sister-in-law of the informant was assaulted by Sachit Singh.

6. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that there is specific allegation that petitioner no.1 Shiv Narayan Singh had assaulted Satyendra



Singh by means of sword and the petitioner no.5, Rikesh Singh, assaulted Ranjit Singh by means of *farsa*, whereas, injury report of both the injured shows that they have sustained simple injury caused by hard and blunt substance. Further submission is that petitioner nos. 2 and 4 have no criminal antecedents, whereas, petitioner no.1 has five criminal cases against him; petitioner no. 3 has two criminal cases against him and petitioner no.5 has two criminal cases against him.

7. Learned APP has opposed the prayer for bail.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners (**except petitioner no.6, Rajesh Singh @ Rajesh Yadav @ Rajesh Kumar Singh**) be released on bail 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 ACJM, 6th, Bhojpur, Ara, in Narayanpur PS Case No.102 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive



dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

9. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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