

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53791 of 2024

Arising Out of PS. Case No.-385 Year-2019 Thana- PIPRA District- East Champaran

1. Akash Singh @ Akash Kumar S/o Pappu Singh R/o vill - Parsauni Kishun, P.S. - Pipra, Distt. - East Champaran
2. Jitendra Singh S/o Narotam Singh @ Narottam Singh R/o vill - Parsauni Kishun, P.S. - Pipra, Distt. - East Champaran
3. Ujjwal Singh S/o Jitendra Singh R/o vill - Parsauni Kishun, P.S. - Pipra, Distt. - East Champaran
4. Shubham Kumar S/o Jitendra Singh R/o vill - Parsauni Kishun, P.S. - Pipra, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Pipra P.S. Case No. 385 of 2019 dated 07.11.2019, instituted for the offence punishable under Sections 147, 149, 341, 323, 324, 325, 379, 380, 354, 308, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 07.11.2019, petitioners along with other accused persons armed with weapon came to the house of the informant with intent to commit loot-pat and murder. It is further alleged that the



accused persons assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both the parties are agnates. There is land dispute between the parties. It is further submitted that there is no specific allegation against the petitioners rather the allegation is general and omnibus in nature. It is further stated that injuries mentioned in the impugned order shows that some injuries are simple in nature and some are grievous in nature caused by hard and blunt substance. It is further submitted that petitioners were noticed by the police under Section 41-A Cr.P.C. for appearance, and they were given the benefit under the provisions of said sections and chargesheet has been filed before the learned lower court under Sections 147, 149, 341, 323, 324, 325, 308, 504, 506 of the Indian Penal Code and subsequently on 10.02.2023 the learned court below has taken cognizance under the said sections. It is further stated that petitioners were on police bail in the present case and anticipatory bail is maintainable in view of ratio decided in the case of **Gauri Shankar Roy Vs. The State of Bihar** reported in **2015 (3) PLJR 618**. Lastly, it has been submitted that the



petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pipra P.S. Case No. 385 of 2019, they shall be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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

