

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54652 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- NAWANAGAR District- Buxar

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1. BIRENDRA SINGH @ BIRENDRA KUMAR SINGH SON OF LATE SATYA NARAYAN SINGH
 2. TEJ NARAYAN SINGH SON OF RAM SAKAL SINGH
 3. AJAY SINGH SON OF SATYA NARAYAN SINGH
 4. GIRIJA SINGH @ GIRIJA RAI SON OF LATE VISHWANATH SINGH
 5. BADA BABU SINGH SON OF LATE SHIV KUMAR RAI
 6. RAHUL KUMAR @ ABHISHEK SINGH SON OF SACHIDANAND SINGH
 7. KUNAL SINGH SON OF BADA BABU SINGH
- ALL ARE RESIDENT OF VILLAGE- GOVINDPUR, PO- KESHATH, PS- NAWANAGAR (VASHUDEVA OP), DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP
		Mr. Bachan Jee Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2024 Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354(A), 504, 506 of the IPC and 27 of the Arms Act in connection with Nawanagar P.S. Case No.113 of 2024.

3. Learned counsel for the petitioners seek permission



to withdraw the anticipatory bail application with respect to petitioner no.2, namely, Tej Narayan Singh.

4. Permission is accorded.

5. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.2.

6. It is next submitted that petitioner no.1,3,4 & 6 are persons with clean antecedent and petitioner no.1 is a senior citizen, aged about 70 years and petitioner no.5 and 7 have antecedent of one case and the informant alleges that on 03.05.2024, the Circle Officer and the police officers came for physically inspection of the plot, as Tej Narayan Singh by encroaching the road had built his house, as such the land was being measured by government and personal Amin, further the Amin had to submit their report to the Circle Officer, as such the informant along with the police force came for physically verification of the plot along with the report of the Amin when named muscleman in the FIR came variously armed, on which her husband opposed when Tej Narayan along with the accused persons assaulted her family members compelling her and the Circle Officer to flee, further it is alleged that accused Virendra, Ranjeet, Ajay, Pawan and Sachchidanand armed with lathi, brick, iron rod, gun and sword respectively attacked her nephew



Virendra causing injury on head, thereafter, Rahul, Aaditya, Rajesh and Girija assaulted her another nephew Akshay, thereafter, Tej Narayan with lathi and Dharmendra with gun assaulted Chandan badly causing injury. Further Suresh chased the informant and dragged her to the ground by holding her hair.

7. The learned counsel for the petitioners submit that from bare perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land the alleged occurrence is said to have taken place. It is also submitted that thrust of the allegation is against Tej Narayan who is alleged to have encroached the land and on the encroached land had built his house.

8. It is next submitted that Tej Narayan has already been arrested. It is further submitted no doubt the allegation of assaulting nephew of the informant namely, Virendra is alleged against five persons, but then the allegation of assault is not specific, it is also submitted that even petitioner no.1 who is aged about 70 years is also alleged to have assaulted Virendra. It is also submitted that the injury suffered by the injured is simple in nature except that of Virendra, but then from perusal of the order impugned it would manifest that the injuries suffered by Virendra is opined to be grievous, but then



allegation of assault is not specific. It is also submitted that that if five persons would have assaulted in the manner as alleged then definitely Virendra would have suffered multiple injuries and not one injury one head which further belies the allegation of assault. It is thus submitted that since allegation of assault is not specific whether it would be prudent for this Court to send the petitioners to jail.

9. The learned APP, Mr. Rabindra Kumar and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that petitioner no.1 is a senior citizen and allegation of assaulting Virendra is not specific.

10. At this stage, the learned counsel appearing on behalf of the petitioners submit that petitioners will not abscond, rather will cooperate in the investigation.

11. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No.113 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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