

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56441 of 2024

Arising Out of PS. Case No.-156 Year-2020 Thana- NAVINAGAR District- Aurangabad

1. Shubham Kumar Singh, S/O Manoj Kumar Singh
2. Anuj Kumar Singh, S/O Ramdeo Singh
All are residents of village- Pipra, P.S- Nabinagar, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Alka Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Nabinagar P.S. Case No. 156 of 2020, registered for the alleged offence under Sections 341, 323, 324, 308, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons surrounded the informant and the petitioner no.1 assaulted him with *garasa* on his head and the petitioner no.2 assaulted him with rod on his right leg.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. The allegation of assault by *garasa* on the head of the informant is false and concocted as no sharp cut injury has been found on the head of the informant as the injury report shows only lacerated wound on the right parietal region of the head and another lacerated wound on right lower leg. The nature of injuries are stated to be simple. The learned counsel further submits that after investigation, the police submitted charge sheet under sections 341, 323, 504/34 of the Indian Penal Code against the petitioners and did not send other co-accused persons for facing trial. However, the learned Additional Chief Judicial Magistrate, differing with the police report, took cognizance of the offences against all six accused persons under Sections 323, 341, 308, 504/34 of the Indian Penal Code. From the facts of the FIR, it is apparent that there was no motive or intention to cause death of the informant and neither the FIR shows any such circumstances. The learned counsel further submits that the petitioner no. 1 is having clean antecedent, whereas the petitioner no. 2 was having antecedent of one more case in which he has been acquitted.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the the absence of injury allegedly caused by the petitioners and further considering the possibility of false implication and clean antecedent, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Aurangabad, in connection with Nabinagar P.S. Case No. 156 of 2020, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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