

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60804 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- GOPALPUR District- Gopalganj

1. Mishir Kumar @ Akhilesh Singh @ Akhilesh Kumar S/o Jitendra Singh Resident of Village- Ahirauli Semra, PS- Gopalpur, Distt. - Gopalganj
2. Prince Singh @ Bhola Singh @ Prince Kumar S/o Jitendra Singh Resident of Village- Ahirauli Semra, PS- Gopalpur, Distt. - Gopalganj
3. Sambhu Singh S/o Late Gajadhar Singh Resident of Village- Ahirauli Semra, PS- Gopalpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kr. No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 21-11-2024 Heard learned counsel for the petitioners and Mr. Dilip Kr. No. 1, learned Additional Public Prosecutor for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 307, 354, 325, 504, 506/34 of the Indian Penal Code.
3. Allegation against the petitioners they along with other co-accused persons have assaulted the informant and her family members with *lathi*, *danda* and iron rod due to which all sustained injury.
4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case due. No such occurrence, in the manner as alleged, has ever taken place. Both parties are agnates and there is admitted land dispute between them. Allegation against the petitioner nos. 1 and 2 is to assault the injured person and injury was found simple in nature. There is allegation of assaulting Majister Singh on petitioner no. 3 and injury on the person of Majister Singh was found grievous in nature. There is delay of 20 days in lodging the FIR. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and since allegation against the petitioner nos. 1 and 2 is to assault the injured and injury was simple in nature, let the petitioner nos. 1 and 2 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Gopalpur P.S. Case No.235 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. However, allegation against the petitioner no. 3 is to assault Majister Singh and injury was found grievous in nature, I am not inclined to enlarge the petitioner no. 3 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.
8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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