

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71503 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- BANIAPUR District- Saran

1. SHAMBHU SINGH S/o Biseshwar Singh R/o village- Bangali Bhatti, P.S.- Baniyapur, District- Saran, Bihar
2. Vikky Kumar Singh @ Sumit Kumar S/o Sanjay Singh R/o village- Bangali Bhatti, P.S.- Baniyapur, District- Saran, Bihar
3. Ramji Singh S/o Krishna Singh R/o village- Bangali Bhatti, P.S.- Baniyapur, District- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-03-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Baniyapur P.S. Case No. 268 of 2023 dated 10.07.2023 registered under Sections 342 / 323 / 324 / 504 / 506 / 325 / 307 / 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the First Information Report the petitioner no. 1 being the husband of the *Mukhiya* called the informant, who is the husband of the Ward Member and said that a Circular has come from the Government and there is vacancy of Supervisor in Lohiya Panchayat and demanded Rs. 2 Lakh for appointment of the informant as Supervisor. When the informant refused, all



the petitioners assaulted the informant by means of rod and *dab* due to which the informant sustained injury in hand and head.

4. Mr. N.K. Agrawal, learned senior counsel for the petitioners submits that petitioners have falsely been implicated in this case due to political rivalry. The petitioner no. 1 is the husband of *Mukhiya* and the informant is the husband of the Ward Member. There is inordinate delay in lodging the F.I.R. inasmuch as the occurrence has taken place on 02.07.2023 but the F.I.R. has been lodged on 10.07.2023 after unexplained delay of eight days. The matter has been compromised between both the parties and they have filed a joint compromise petition before the Chief Judicial Magistrate, Saran.

5. On the other hand, learned counsel for the State submits that there is direct allegation against the petitioners and the informant has sustained grievous injuries on his head and hand.

6. Regard being had to the submission made by the parties, taking into consideration the fact that petitioners are having no criminal antecedent, there is delay in lodging of the F.I.R. and the parties have filed a joint compromise petition, as such, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Saran in connection with Baniyapur P.S. Case No. 268 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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