

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78480 of 2024

Arising Out of PS. Case No.-329 Year-2020 Thana- DARAUNDA District- Siwan

1. Binod Singh @ Binod Kumar Singh, Son of Late Ramayan Singh ,R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan
2. Umendra Singh, Son of Rameshwar Singh, R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan
3. Haresh Singh, Son of Ramayan Singh, R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan
4. Vivek Singh @ Vivek Kumar Singh, Son of Umendra Singh, R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan
5. Amit Singh @ Amit Kumar Singh, Son of Jitendra Singh, R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan
6. Sandesh Singh @ Sandesh Kumar Singh, Son of Awadh Kishore Singh, R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Singh @ Vijay Kumar Singh, Son of Late Dahari Singh, R/O Vill.- Bhikhabandh, Police Station- Daraundha, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioners and Mr.

learned APP for the State.

2.The instant application for anticipatory bail has been

filed by the petitioners apprehending their arrest in connection

with Daraunda P.S. Case No. 329 of 2020 instituted for the

offence under Sections 147, 341, 323, 324, 307, 504/34 of the

Indian Penal Code.



3. The case of the prosecution case, in short, is that while the informant was present at his Bathan, in the meanwhile, petitioners along with other co-accused persons, variously armed, came there and started assaulting the informant. It is alleged that Binod Singh with intention to kill assaulted on the head of Surendra Singh with sword and petitioner No. 2, namely, Umendra Singh assaulted the informant's brother Birendra Singh due to which he sustained injuries over his head, hand and back. When other persons came to his rescue, they were also assaulted by the accused persons indiscriminately.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that there is also a counter version of this case. Petitioners and informant are neighbours. It is also submitted that good sense has prevailed between the parties and a compromise petition has also been filed in the trial Court which has been annexed as Annexure-P/3. Though injury is not there on the record but from perusal of the order of the trial Court, it transpires that Vivek Singh and Birendra Singh were referred to P.M.C.H. for better treatment. One Umendra Singh is



having allegation to assault Birendra Singh as far as the allegation to assault Vivek Singh is concerned, it is not specific. Petitioners are having no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners and submitted that there is specific allegation against petitioner No. 2, namely, Umendra Singh to assault informant's brother Birendra Singh due to which he sustained injuries over his head, hand and back.

6. Having heard learned counsel for the parties, considering the facts and circumstances of the case as stated above and petitioner Umdendra Singh is having specific allegation of assault to Birendra Singh with sword and he is under treatment, this Court is not inclined to grant anticipatory bail to petitioner no.2, namely, Umendra Singh. However, the allegations against other petitioners are general and omnibus and the victims have received simple injury as such, their anticipatory bail is allowed and they **(except Petitioner No. 2 namely, Umdendra Singh)** are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Daraunda P.S. Case No. 329 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each



with two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Siwan, subject to the
conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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