

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79670 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- KALYANPUR District- Samastipur

1. Tej Narayan Singh @ Budhan son of Munshi Prasad Singh @ Munshi Lal Singh Village- Ramauli Ps- Kalyanpur Dist- Samastipur
2. Sushil Kumar son of Munshi Prasad Singh Village- Ramauli Ps- Kalyanpur Dist- Samastipur
3. Laxhman Prasad Singh son of Munsu Prasad Singh Village- Ramauli Ps- Kalyanpur Dist- Samastipur
4. Sudesh Kumar son of Laxhman Prasad Singh Village- Ramauli Ps- Kalyanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 **1.** Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. Learned counsel for the petitioners submitted that he may be permitted to correct the name of petitioner no. 1, during the course of day, itself.

3. All accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Kalyanpur P.S. Case No. 196 of 2023 registered for the



offences punishable under Sections 341, 323, 324, 379, 307, 504 and 506/34 of the Indian Penal Code.

4. The allegation against all the petitioners is to assault informant and others alongwith other co-accused persons causing head and other bodily injuries, having intention to cause their death, where occurrence arises out of land disputes.

5. Learned counsel appearing on behalf of the petitioners submitted that all petitioners have been falsely implicated with the present case out of land disputes. It is submitted that allegation of physical assault is appearing very much general and omnibus and moreover alleged assault was without having any intervening circumstances causing simple injury negating, *prima facie*, intention to cause death which is an essential ingredient as to attract case under Section 307 of the IPC. It is submitted that allegation against petitioner no. 2 is to assault Preetam Kumar with iron rod causing simple, whereas allegation to assault



Surendra Prasad causing grievous head injury is available specifically against co-accused Jai Narayan Singh, who is not petitioner for the present. While concluding the argument it is submitted that all petitioners are of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact, as allegation, *qua*, physical assault is appearing general and omnibus, *qua* petitioners, without having any intervening circumstance, where nature of injury appears simple, accordingly all petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class cum Additional Munsif,



Samastipur/concerned Court where the case is pending
in connection with Kalyanpur P.S. Case No. 196 of 2023
subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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