

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80169 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- MAHISHI District- Saharsa

1. Badri Narayan Singh @ Badri Singh S/O Late Surya Narayan Singh R/O Village- Amahi Mohanpur, Ward No. 4, P.S- Mahishi (Jalai O.P) Distt.- Saharsa.
2. Boudh Narayan Singh S/O Late Surya Narayan Singh R/O Village- Amahi Mohanpur, Ward No. 4, P.S- Mahishi (Jalai O.P) Distt.- Saharsa.
3. Chandan Kumar Singh @ Chandan Singh S/O Boudh Narayan Singh R/O Village- Amahi Mohanpur, Ward No. 4, P.S- Mahishi (Jalai O.P) Distt.- Saharsa.
4. Sanjay Singh @ Sanjay Kumar Singh S/O Boudh Narayan Singh R/O Village- Amahi Mohanpur, Ward No. 4, P.S- Mahishi (Jalai O.P) Distt.- Saharsa.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

3. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has already been apprehended by the police.

4. Permission is granted.

5. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

6. Now, this application survives for petitioner nos.2 to 4.



7. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 504 & 506 of the Indian Penal Code.

8. Petitioners are said to have brutally assaulted the informant and his family members.

9. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both the parties are agnates. There is admitted land dispute between the parties. Both sides have filed cases against each other. Both sides have sustained injuries. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

10. Having regard to the facts and circumstances of the case as well as the fact that the injury inflicted by petitioner nos.2 and 4 are simple in nature, let the above named petitioner nos.2 and 4, 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 Mahishi P.S. Case No. 285 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Considering the facts and circumstances of case as also the fact that petitioner no.3 is the author of the grievous injury, I am not inclined to enlarge petitioner no.3 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.3 is hereby rejected.

12. However, if petitioner no.3 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

13. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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