

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86205 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- BARBIGHA District- Sheikhpura

1. Amit Kumar S/o Late Narayan Singh R/o Village - Sheikhpurwa, P.S.- Barbigha (Kewati O.P.), District - Sheikhpura.
2. Chotak Singh @ Chhote Singh S/o late Narayan Singh R/o Village - Sheikhpurwa, P.S.- Barbigha (Kewati O.P.), District - Sheikhpura.
3. Manoj Singh @ Manoj @ Manoj Kumar S/o Rajaram Singh R/o Village - Hathiyawan, P.S. and Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Dinkar Kumar, learned counsel for the petitioners and Mr. Uday Chand Prasad, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Barbigha (Kewoti O.P.) P.S. Case No. 275 of 2023, F.I.R. dated 04.07.2023 registered for the offences punishable under Sections 341, 323, 325, 326, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that when the informant and his nephew reached Sheikhpura more of his village accused Amit Kumar and Manoj Singh pointed pistol at his nephew and accused Amit Kumar abused and told give me whatever money you have, otherwise I will kill you. When the



nephew of the informant protested accused Chotak Singh hit his nephew with an iron rod with the intention to kill due to which the right wrist was broken and accused Manoj Singh hit his nephew with intention to kill with the pistol. It is further alleged that when the informant protested they started abusing and beating him also and snatched Rs. 5,00,000/- from him.

4. Learned counsel for the petitioners submits that the petitioners are clean antecedents and they have been falsely implicated in the present case and due to dispute of the drain between the parties the present occurrence had taken place and there is case and counter case between the parties. He further submits that before the lodging the present case the petitioners' side has also filed Barbigha (Kewoti O.P.) P.S. Case No. 110 of 2020 under Sections 147, 149, 341, 323, 354(B), 504, 506/34 of the Indian Penal Code against the family members of the informant. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners but there is specific allegation attributed against co-accused person namely Chotak Singh that he hit the nephew of the informant with iron rod, although he has received the injury but the injury report of the nephew of the informant suggests that the injury is grievous in nature but due to fracture



in his hand the doctor suggests that the injury is grievous in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits the petitioner no. 3 carries one more case other than the present one and petitioner nos. 1 and 2 carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that petitioner nos. 1 and 2 are on bail in two pending matters.

6. Considering the aforesaid facts that there is case and counter case between the parties and the injury inflicted upon the nephew of the informant is grievous in nature but not on the vital part of the body , let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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, Sheikhpura in connection with Barbigha (Kewoti O.P.) P.S. Case No. 275 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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