

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5602 of 2024

Arising Out of PS. Case No.-375 Year-2017 Thana- MAJHAULIA District- West Champaran

1. Subhash Kumar Singh @ Subhash Singh S/o Late Hakim Singh R/o village- Sahbajwa, P.O- Ratanmala, P.S-Majhauriya, District-West Champaran
2. Sarvesh Kumar Singh @ Sarvesh Singh S/o Late Hakim Singh R/o village- Sahbajwa, P.O- Ratanmala, P.S-Majhauriya, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Majhauriya P.S. Case No. 375 of 2017 for the offence registered under section 147, 148, 149, 341, 323, 324 and 504 of the Indian Penal Code lodged on 02.10.2017 by the informant, Shambhu Singh.

3. As per the prosecution story, the informant alleged that the accused persons on the issue of boring on the land started assaulting, in the process against these petitioners, the allegation is that the petitioner no. 1, Subhash Kumar Singh @ Subhash Singh gave *lathi* blow on the head of Prabhunath



Singh while Sarvesh Kumar gave *bhala* blow on the leg of Ashok Singh, causing injury. Against other accused persons also allegation is/are there. This led to the F.I.R.

4. Learned Counsel for the petitioners submit that the earlier charge sheet was submitted under bailable sections and as such, they were on bail by the concerned Court itself. Subsequently, cognizance was taken on 23.06.2021 under section 308 of the Indian Penal Code necessitating this petition.

5. He submits that the injuries have been found to be simple in nature and similar placed other accused persons have since been granted the said privilege in Cr. Misc. No. 53560 of 2023 (Annexure-4 to the petition) by a co-ordinate bench.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they have delayed coming to the Court.

7. Though it is a fact that even cognizance was taken in the year, 2021 and the petitioners delayed coming to the Court, considering the facts that the co-ordinate bench in Cr. Misc. No. 53560 of 2023 has extended the relief in the year, 2023, following the same route, the relief is extended to them considering that the injuries have been found to be simple in nature and they do not have criminal antecedent.



8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M-1st Class, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 375 of 2017 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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