

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2462 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- SANJHOLI District- Rohtas

1. Rahesh Singh @ Ajay Kumar Singh Son of Late Jairam Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
2. Vidhya Kumar @ Vidha Kumar Son of Rahesh Singh @ Ajay Kumar Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
3. Surendra Singh Son of Hiralal Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
4. Manikchand @ Manikchand Singh Son of Late Gama Singh @ Late Ramkishun Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
5. Sikandar Kumar Son of Late Doman Singh @ Late Ram Narayan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
6. Lal Babu @ Lal Babu Singh Son of Gora Singh @ Bashishtha Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
7. Rajesh Singh @ Rajesh Kumar Son of Manai Singh @ Ramjatan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
8. Vimlesh Kumar @ Vimlesh Singh Son of Manai Singh @ Ramjatan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
9. Akhilesh Kumar Son of Manai Singh @ Ram Jatan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
10. Manai Singh @ Ram Jatan Singh Son of Late Basgit Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
11. Rakesh Kumar @ Rakesh Singh Son of Manai Singh @ Ram Jatan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
12. Mohit Kumar @ Pushpendra Kumar Son of Satyendra Singh @ Satyendra Kumar Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
13. Parvindra Kumar @ Pravind Kumar Son of Late Doman Singh @ Ram Narayan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
14. Dhanik Lal @ Dhanik Lal Singh Son of Late Hari Singh @ Hari Narayan Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
15. Chhotak Singh @ Shiva Shankar Singh Son of Late Munsii Singh @ Late Manasi Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas
16. Dwarka Singh @ Dwarika Singh @ Dwarika Prasad Singh Son of Shivmuni Singh R/O Village Tendua , P.S.- Sanjhauli , District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate



For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Rajani Kant Singh, the learned counsel
for the petitioners, the learned counsel for the informant and Mr.
Narendra Kumar Singh, the learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Sanjhauli PS Case No. 157 of 2023, FIR dated
29.10.2023, registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307, 448, 379, 504, 506
and 354 of the Indian Penal Code and under Section 27 of Arms
Act.

3. According to prosecution case, the accused persons
variously armed with *katta*, *iron-rod*, *lathi*, knife, SBBL gun and
gahdal assaulted the informant and his family members due to
which they sustained injuries. It is further alleged that
Manikchand, Dwarika Singh and Surendra Singh fired with
katta and Mohit Kumar fired with SBBL gun. It further alleged
that Parvind Kumar snatched locket of one Durgajee which was
worth Rs. 18,000/- (rupees eighteen thousand) and Akhilesh
Kumar slapped the wife of the informant and snatched her
golden chain and earring worth Rs. 49,000/- (rupees forty-nine



thousand).

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that all the co-accused persons including the petitioners have assaulted the informant, but the injury report of the informant does not support the allegation levelled in the FIR. He lastly submits that the co-accused persons namely, Prabhat Kumar, Prasottam Kumar @ Purusottam Kumar, Tuntun Kumar @ Devendra Kumar, Suman Kumar, Mukesh Kumar, Nitish Kumar, Dilesar Singh @ Dinesh Kumar and Appu Kumar @ Satyendra Kumar Singh have been granted anticipatory bail by the learned trial Court itself.

5. The learned counsel for the informant and the Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and there is direct and specific allegation against the petitioners that they have assaulted the informant and his family members and apart from that the petitioner nos. 1, 2, 3, 4, 6, 7, 8, 9, 12 and 14 carry two criminal antecedents other than the present one and petitioner nos. 5, 10, 11, 13, 15 and 16 carry three criminal antecedents



other than the present one, however, he fairly admits that the petitioners are on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that the injury report does not support the allegation levelled in the FIR and other similarly situated co-accused persons have been granted anticipatory bail by the learned trial Court itself, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Bikramganj, District- Rohtas, where the case is pending in connection with **Sanjhauli PS Case No. 157 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.



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

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court 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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