

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.16536 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- BARHAT District- Jamui

1. Shivjee Singh @ Shiv Shankar Singh Son of Late Radhe Singh Resident of Village - Paro, Rajput Tola, P.S. - Barhat, District - Jamui
2. Shambhu Singh Son of Late Radhe Singh Resident of Village - Paro, Rajput Tola, P.S. - Barhat, District - Jamui
3. Gayatri Devi Wife of Shivjee Singh @ Shiv Shankar Singh Resident of Village - Paro, Rajput Tola, P.S. - Barhat, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 09-07-2025 After some arguments, learned counsel for the petitioners prays for withdrawal of the present anticipatory bail application on behalf of petitioner no. 2 Shambhu Singh.

2. Permission is granted.

3. Accordingly, the application is dismissed as withdrawn. The application, thus, survives against petitioner nos. 1 and 3.

4. Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

5. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 325, 307, 427, 452, 379, 504, 506/34 of the Indian Penal Code.

6. The allegation in the first information report is that



all the petitioners came variously armed to the house of the informant and indulged in abuse and assault when the husband of the informant protested. There is specific allegation that the petitioner no. 2 Shambhu Singh assaulted the husband of the informant by means of a sword on his head while petitioner no. 1 Shivjee Singh assaulted him with a spear on his right thigh. There is further allegation on petitioner no. 3 Gayatri Devi that she assaulted the informant's daughter Bhavya and Kusum with lathi.

7. Learned counsel for the petitioners submits that the case arises out of a bonafide land dispute between the parties who are gotiyas. It has been also submitted that there is a case and counter case and the case lodged by the wife of petitioner no. 2 bearing Barhat P.S. Case No. 79 of 2024 has also been brought on record by way of Annexure-P/2 to the present application. It has further been submitted that the injury caused to the husband of the informant Prakash Singh does not corroborate the oral allegations as the injury sustained by him is on the back side of his head which has probably been caused due to a fall. So far the allegation on petitioner no. 1 is concerned, he is said to have assaulted the husband of the informant on his right thigh and there is no corresponding injury



on the person. Further, the injury reports of the informant's daughter Bhavya and Kusum indicate that they have both sustained simple injuries. No case under Section 307 of the IPC is made out and the allegations of theft are merely ornamental in nature.

8. Learned counsel for the informant, however, opposes the grant of anticipatory bail on the ground that a number of family members of the informant have got injured in the occurrence and one of them has even received a grievous injury.

9. In view of the facts and circumstances, let the above named petitioner nos. 1 and 3 in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 the learned court below where the case is pending/successor court in connection with Barhat P.S. Case No. 71 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

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(Soni Shrivastava, J)

