

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29348 of 2025

Arising Out of PS. Case No.-113 Year-2024 Thana- FESHAR District- Aurangabad

1. Upendra Singh @ Balbir Singh S/O Late Dwarika Narayan Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
2. Dilip Singh @ Dilip Kumar Singh S/O Late Dwarika Narayan Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
3. Suraj Kumar Singh @ Suraj Kumar S/O Krishna Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
4. Ranjan Kumar Singh S/O Binod Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
5. Binod Singh S/O Late Chhotu Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
6. Karan Kumar Singh @ Visnas Kumar @ Vishal Kumar S/O Dilip Kumar Singh @ Dilip Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
7. Chandan Kumar Singh @ Sauravh Kumar Singh S/O Virendra Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
8. Amarjeet Kumar Singh @ Amarjeet Kumar S/O Ramadhar Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
9. Indrajeet Kumar Singh @ Indrajeet Kumar S/O Ramadhar Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
10. Pappu Kumar Singh @ Pal @ Ankush Kumar Singh @ Ankush Kr. S/O Late Rana Pratap Singh @ Ram Pratap Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
11. Vikash Kumar Singh @ Vikash Kumar S/O Late Rana Pratap Singh @ Ram Pratap Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
12. Rahul Kumar Singh @ Rahul Kumar S/O Bajrangi Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
13. Yubraj Kumar Singh @ Yubraj Kumar S/O Nirantan Singh @ Nirantar Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
14. Ranjan Kumar Singh @ Abhiranjan Kumar S/O Vijay Kumar Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
15. Devendra Kumar Singh @ Chhota Bhola S/O Late Vijay Kumar Singh @ Late Rajendra Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.
16. Vijay Singh @ Vijay Kumar Singh S/O Late Kedar Singh Resident of Village- Baghoi Khurd, P.S- Fesar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP
For the Informant : Mr. Kumar Gaurav, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 Heard Mr. Bindhyachal Singh, learned Senior Advocate for the petitioners and the learned APP for the State. The informant is represented through Mr. Kumar Gaurav, learned Advocate.

2. Altogether 16 petitioners are before this Court, who are apprehending their arrest in connection with Fesar P.S. Case No. 113 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 352, 351(2), 74, 324(2), 303(2) and 109 of the Bhartiya Nayay Sanhita, 2023.

3. On the fateful day, all the F.I.R. named accused persons, 20 in numbers, including the petitioners, along with 8-10 unknown persons, entered into the house of the informant and brutally assaulted the informant and his brother by means of *Lathi, Danda* and sharp weapons; further on the point of arms, the valuables worth Rs.10 lacs were looted and the house had also been ransacked.

4. Learned Senior Advocate for the petitioner taking this Court through the F.I.R. has primarily submitted that save and except the omnibus allegation, there is no material, which



specifies that the petitioner has participated any active role in the crime. In fact, on account of idol immersion, both the parties have entered into a free fight and members of both sides have sustained injuries, leading to institution of case and counter case, bearing Faser P.S. case 114 of 2024, by one of the accused person against the informant and his family members. It is further contended that the injuries, which is allegedly sustained to the informant and his brother are found to be simple in nature. To support the aforesaid contention, the injury reports of the injured have been placed on record as Annexure-3 to this application. It is lastly contended that be that as it may, the petitioners undertake that they will fully cooperate in the investigation and in the proceeding of the court and shall not indulge in such activities in future.

5. On the other hand, learned APP for the State and the informant vehemently oppose the bail application and submit that the injury reports suggest serious injuries to the informant and his brother, however, the Doctor has opined simple in nature, hence protest has been made before the District Magistrate, who has directed the Civil Surgeon for enquiry. Further submission has been made that the petitioner along with many others by making unlawful assembly have



brutally assaulted and looted the valuables and, as such, it is not possible for the informant to make specific allegation against each of the accused persons.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the simple injuries and the omnibus nature of allegation, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Fesar P.S. Case No. 113 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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