

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45092 of 2025

Arising Out of PS. Case No.-93 Year-2010 Thana- SAHEBPUR KAMAL District- Begusarai

1. Birendra Singh @ Birendra Kumar Singh S/o Late Badri Narayan Singh R/o Village- Achaychak, Ward No 01, PS- Sahebpur Kamal, District- Begusarai
2. Uttam Kumar S/o Birendra Singh @ Birendra Kumar Singh R/o Village- Achaychak, Ward No 01, PS- Sahebpur Kamal, District- Begusarai
3. Nalni Ranjan Singh @ Nalni Ranjan S/o Birendra Singh @ Birendra Kumar Singh R/o Village- Achaychak, Ward No 01, PS- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that on 17.04.2010 at about 07:00 PM when he was near his house along with his son and cousin, when the accused persons came and started abusing them, on account of dispute



relating to passage, on objection it is alleged Surendra Singh assaulted the informant's son with *farsa* causing injury on head, thereafter Birendra assaulted informant's son cousin with *lathi* causing injury on his right eye, while Uttam and Nalni Ranjan Singh assaulted the informant and women folk of the family by *lathi*, thereafter, Nalni Ranjan snatched gold chain of the informant's wife, thereafter the injureds were taken to the hospital for treatment.

4. Learned counsel for the petitioners submits that no doubt the case is of the year 2010, but then from perusal of the FIR, it would manifest that the date of occurrence is 17.04.2010 and the FIR came to be instituted on 10.05.2010 based on a written application of the informant, i.e. after 22 days of the occurrence. The learned counsel for the petitioners submits that petitioners are aware of their limitation in arguing the case, but then facts of the case is such that persuades him to argue. It is submitted that police on 31.07.2010 submitted charge sheet under bailable sections, but the learned Trial Court differing with the police report took cognizance of offence under Section 307 of the IPC. It is further submitted that thereafter summons were issued on the petitioners, but then the summons were never received by the petitioners, thereafter bailable warrants were



issued and the same was also never received by the petitioners and without service report non-bailable warrant of arrest was issued and thereafter the petitioners came to know when the police knocked the door. It is also submitted that petitioners, in support of their contention, have annexed the entire order sheets of the learned Trial Court and from perusal of the same, it would manifest that the summon reports were never received/served on the petitioners and all of a sudden bailable warrants were issued, but then the bailable warrants were also never served on the petitioners, as would manifest from perusal of the order dated 21.03.2024, thereafter, it appears that the case was taken up on 18.06.2024 and non-bailable warrant of arrest was issued, it was only then that the petitioners came to know that cognizance has been taken under Section 307 of the IPC also when the police came knocking their door. It is further submitted that even the injury suffered by the injured is simple in nature, but one of the injuries suffered by the son of the informant has been opined to be grievous in nature, but then petitioners are not alleged to have assaulted the son of the informant. It is further submitted that on account of dispute relating to passage, the occurrence is alleged to have taken place. It is asserted and submitted that till date process under Sections 82 and 83 Cr.P.C. has not been



issued against the petitioners.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that in the event if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will co-operate in the trial to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 the learned trial court where the case is pending/successor court in connection with Sahebpur Kamal P.S. Case No. 93 of 2010 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioners, after their release, are trying to delay the framing of charge or after framing of charge, the petitioners are trying to delay the trial, in both the



conditions, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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