

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57053 of 2025

Arising Out of PS. Case No.-170 Year-2020 Thana- EKMA District- Saran

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1. Vikash Singh @ Vikash Kumar Singh S/O Shailendra Singh Resident of Village- Bhuily @ Bhuili, P.S- Ekma, Dist- Saran at Chapra.
 2. Prakash Singh @ Prakash Kumar Singh S/O Shailendra Singh Resident of Village- Bhuily @ Bhuili, P.S- Ekma, Dist- Saran at Chapra.
 3. Pankaj Singh @ Pankaj Kumar Singh S/O Shailendra Singh Resident of Village- Bhuily @ Bhuili, P.S- Ekma, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhathu Sharma S/O Late Ram Ayodhya Sharma R/O Village- Bhuily @ Bhuili, P.S- Ekma, Dist.- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-08-2025 Heard Mr. Bindhyachal Singh, learned Senior Counsel

for the petitioners duly assisted by Ram Binod Singh and the

State.

2. The petitioners are apprehending arrest in connection with Ekma P.S. Case No. 170 of 2020 instituted under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and further under section 3(2)(va) of SC/ST (POA) Act lodged on 08.05.2020 by the informant, Chhathu Sharma.

3. As per the prosecution story, the informant alleged that he went to the house of Shailendra Singh and demanded his



arrear amount from Vikash Singh (petitioner no.1) with regard to construction of a gate grill but allegation is that he do not have the amount. The informant stated that then he will have to return the money alongwith 5% interest.

4. The allegation is that thereafter, the accused persons armed variously came to the house of informant and while petitioner nos. 2 and 3 namely Prakash Singh and Pankaj Singh respectively caught hold of the informant, petitioner no.1 Vikash Singh assaulted with knife on his back and wrist. Upon alarm, the locals arrived which followed the transfer of the informant to the Primary Health Center, Ekma for treatment. This led to the FIR.

5. Learned Senior Counsel for the petitioners submit that the delay in approaching the Court is that earlier the Cr. Appeal(SJ) No. 1369 of 2021 was preferred which was on 15.02.2023, the interim protection was granted. The matter was to come up on 15.03.2023 unfortunately could not be attended later it was dismissed for non-prosecution on 28.06.2023.

6. Thereafter, the petitioners moved before learned Sessions Judge, SC/ST, Saran at Chapra (**The State of Bihar vs. Vikash Singh & Ors.**) in which vide an order dated 08.01.2025, the Court taking note of Hon'ble Apex Court order in the case



of **Sunil Kumar Rai and Ors. Versus the State of Bihar and Ors. (WC No. 1052 of 2021)** passed an order for deletion of different section of SC/ST Act as it is not attracted (Annexure-3 to the petition).

7. Soon thereafter, the present petition.

8. It is contention of the learned Senior Counsel that the injury has been found to be simple in nature so far as the assault of petitioner no.1 is concerned and petitioner nos. 2 and 3, only the role has been attributed that they caught hold of the informant. If granted relief, they shall be diligently appearing in trial, none have criminal antecedent.

9. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, while the petitioner no.1 shall be contributing Rs.10,000/- to the injured, the petitioner nos. 2 and 3 Rs.5000/- each (totalling Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to be handed over to the informant/injured.

10. Learned APP opposes the prayer stating that though the SC/ST Act has been removed, the allegation of assault is there, the allegation against petitioner nos. 2 and 3 that they caught hold of the informant while petitioner no.1 assaulted



him.

11. Considering the submissions of the parties as also the fact that the injury has been found to be simple in nature, SC/ST Act now stands deleted, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to the payment of Rs.10,000/- to the injured, the petitioner nos. 2 and 3 Rs.5000/- each (totalling Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to be handed over to the informant/injured.

12. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Ekma P.S. Case No. 170 of 2020 to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

(vi) 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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