

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86074 of 2024

Arising Out of PS. Case No.-527 Year-2024 Thana- GARKHA District- Saran

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1. Shivcharan Singh @ Shiv Charan Singh S/o- Late Janaki Singh Village- Dakshin Kadna Ps- Garkha Dist- Saran at Chapra
 2. Karan Kumar @ Karna Kumar Son of Shivcharan Singh @ Shiv Charan singh Village- Dakshin Kadna Ps- Garkha Dist- Saran at Chapra
 3. Mukesh Kumar Singh @ Mukesh Prasad Son of Shivcharan Singh @ Shiv Charan Singh Village- Dakshin Kadna Ps- Garkha Dist- Saran at Chapra
 4. Amresh Kumar Singh Son of Rajeshwar Singh Village- Dakshin Kadna Ps- Garkha Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Tej Pratap Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 14-07-2025 At the outset, learned counsel for the petitioners submits that the instant application on behalf of petitioner no.3 (Mukesh Kumar Singh) has been withdrawn vide order dated 17.02.2024.

2. After some arguments, learned counsel for the petitioners prays for withdrawal of the anticipatory bail application on behalf of petitioner nos. 2 and 4, namely, Karan Kumar @ Karna Kumar and Amresh Kumar.

3. Permission is granted.



4. This application is dismissed as withdrawn with respect to petitioner nos. 2 and 4 with liberty that if they surrender and seek regular bail before the learned Court below, the same shall be considered on its own merit without being prejudiced by the present order of withdrawal.

5. The instant application survives only as against petitioner no.1 (Shivcharan Singh @ Shiv Charan Singh).

6. Heard learned counsel for the petitioner and learned APP for the State.

7. The petitioner apprehends his arrest in connection with Garkha P.S. Case no.527 of 2024 registered under Sections 126(2), 115(2), 118(1), 109, 352 and 3(5) of the B.N.N.S, 2023 and Section 27 of the Arms Act.

8. As per the prosecution case, on 21.08.2024 at about 05:30 p.m. all five named accused persons including the petitioner herein came to the house of the informant variously armed and started abusing the informant. On protest, accused Krishnadeo Kumar and Karan Kumar assaulted the informant with a sword on his head due to which he sustained injuries on head and finger. It is further alleged that accused Shiv Charan Singh (petitioner no.1) along with Mukesh Kumar Singh also assaulted the informant with *lathi* and *danda*.



9. Learned counsel for the petitioner submits that the petitioner no.1 is a man of age about 65 years and hence, he was not involved in the assault and has been falsely implicated in the case. There is general and omnibus allegation levelled against the petitioner of assault upon informant. There is a case and counter case filed by son of petitioner no.1 and has been brought on record by way of Annexure-P/2 to the petition. Further, only one injury on the informant's little finger has been found to be grievous which is attributable to other accused. The petitioner has one criminal antecedent and undertakes to cooperate in the case/trial.

10. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that there are allegation of assault upon all accused persons including the petitioner herein and the injured informant has suffered as many as nine injuries on different parts of body. He also points out that another girl of the family being 12 years old also received some injuries, however, it is submitted on behalf of petitioner that the same finds no mention in the F.I.R.

11. In view of the aforesaid facts of the case, it is directed that the petitioner no.1, namely, Shivcharan Singh @ Shiv Charan Singh in the event of his arrest or surrender before



the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Garkha P.S. Case no.527 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Saran at Chapra, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the petitioner no.1 would co-operate in the process of investigation and would make himself available before the Investigating Officer as and when required.

(Soni Shrivastava, J)

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