

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78908 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- RUPO District- Nawada

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1. Sanjay Singh Son of Shivdani Singh Resident Of Village- Chhanon, P.s.- Rupau, District- Nawada
 2. Vijay Singh Son of Shivdani Singh Resident Of Village- Chhanon, P.s.- Rupau, District- Nawada
 3. Jitendra Singh Son of Shivdani Singh Resident Of Village- Chhanon, P.s.- Rupau, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-04-2025 *Vide* order dated 21.11.2024, the anticipatory bail application has already been dismissed as withdrawn so far it relates to petitioner no. 2, namely, Vijay Singh.

2. This anticipatory bail application, now, confines to petitioner nos. 1 and 3.

3. Heard learned counsel for the petitioner nos. 1 and 3 and learned A.P.P. for the State.

4. The petitioner nos. 1 and 3 apprehends arrest in connection with Rupau P.S. Case No. 49 of 2024 dated 19.07.2024, instituted for the offence punishable under Sections 127(1), 115(2), 109, 303(2), 117(2), 76, 352, 351(2), 3(5) of the



Bharatiya Nyaya Sanhita.

5. The prosecution case, in short, is that on the date of occurrence a scuffle took place between both the parties due to land dispute and previous enmity in which petitioner no. 1 is said to have assaulted the father of the informant with an iron rod on his head and petitioner no. 3 is said to have assaulted father of the informant with lathi on his leg.

6. Learned counsel for the petitioner nos. 1 and 3 submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that both the parties are agnates and there is land dispute between the parties. The allegation of assault is against petitioner nos. 1 and 3. The petitioner no. 1 assaulted with iron rod on the head of the informant's father, whereas, petitioner no. 3 assaulted with lathi on the leg of the informant's father. It is submitted that injury report reveals that father of the informant has sustained five injuries which are as follows:-

- (i). Incised wound 1.1/2" X 3½" X 1/4" on head left side.
- (ii). Swelling 4" X 3 on left forearm
- (iii). incised wound ½" X 2" X 1½" on left forearm.
- (iv). swelling 2" X 2" on left ankle joint



(v). swelling 1.1/4" X 1.1/4" right knee

It is submitted that allegation against petitioner nos. 1 and 3 is of assaulting the father of the informant due to which father of the informant sustained simple injuries. It is further submitted that injury mentioned on the leg of the father of the informant appears to be grievous in nature which is attributed to co-accused Jitendra Singh (petitioner no.3). It is also submitted that the occurrence took place on 15.07.2024 but the F.I.R. has been lodged on 19.07.2024 without any plausible explanation. It is submitted that there is long enmity between the parties. Lastly, it has been submitted that petitioner no. 1 has one criminal case against him and petitioner no. 3 has two criminal cases against him.

7. Learned A.P.P. has opposed the prayer for bail of the petitioner nos. 1 and 3.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner nos. 1 and 3 within a period of six weeks from today, in connection with Rupau P.S. Case No. 49 of 2024, petitioner nos. 1 and 3 shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Nawada, subject to condition as laid down under Section 482 (2) of the BNSS as also to the following conditions:-

- 1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.
- 3. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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