

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24270 of 2015

Arising out of PS.Case No. -48 Year- 2014 Thana -PANAPUR District- SARAN

1. Harendra Kunwar, son of Late Ram Dharan Kunwar.
2. Sunil Kumar @ Sonu Kumar @ Sonu, son of Harendra Kunwar.
3. Suraj Kumar.
4. Chandan Kumar, sons of Nagendra Kunwar. All residents of village-
Chakiya, P.S.- Panapur, District, District- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Anju Kumari @ Anju Narain,
Advocate.

For the Opposite Party : Mr. Kr.Virendra Narayan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015 The petitioners are apprehending their arrest in connection with Panapur P.S. Case No. 48 of 2014 for the offences instituted under Sections 147, 148, 149, 448, 326, 307, 323, 379, 427, 302 of the I.P.C. and 27 of the Arms Act.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on the date and time of occurrence the informant alongwith his brother Arbind Kumar, wife Seema Devi, aunt Samundra Kunwar and Pappu Kumar, was sitting in the Aangan and Samundra Devi was cooking and the informant and others were taking breakfast. All of

a sudden, the petitioners and 11 other co-accused persons armed with weapons allegedly entered in the Aangan. It is further alleged that Nagendra Kunwar assaulted Arbind Kumar with Tanga over the head and other co-accused also assaulted the informant and his family members, and accused Harendra Kunwar allegedly assaulted Samudra Kunwar with Tanga over her head and she was injured and fell down. When the informant's cousin Pappu Kunwar came to save then accused Amarendra Kunwar allegedly assaulted him by Tanga over his head and he also fell down. It is further alleged that co-accused Awadhesh Kumar Singh and Pramod Kumar Singh assaulted his brother Arbind and aunty Samundra Kunwar by Bhala and they were injured. It is further said that the accused took away the ornaments worth Rs. 2 lacs, Rs. 42,000/- cash and some clothes kept in the suit-case, almirah etc., and caused damage to flour machine, solar plate etc. Dilip Kumar fired from the country made pistol and all accused persons fled away. The injured Arbind Kumar, Samundra Devi and Pappu Kumar were brought to the Government Hospital, Masrakh, for treatment, but the doctor referred them to Chapra Sadar Hospital for better treatment and on the way injured Arbind Kumar died. The cause of occurrence is said to be old dispute.

It has been submitted on behalf of the petitioners that the

petitioners and the informant are Gotias. It is further submitted that there is a family dispute between the parties and for the said reason the petitioners have been made accused in the present case. It is further submitted that the petitioners have no concern with the present occurrence.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, I find it is not a fit case for grant of anticipatory bail. Hence, it is rejected in connection with Panapur P.S. Case No. 48 of 2014, pending in the court of the learned J.M. Ist Class, Chapra at Saran. Anyhow, if the petitioners surrender in the court below within a period of six weeks the court below shall consider the case of the petitioners on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)