

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44429 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

- =====
1. DHARMENDRA SAO SON OF RAMCHANDRA SAO @ GANU SAO
 2. ARJU SAO SON OF RAMCHANDRA SAO @ GANU SAO
BOTH R/O VILLAGE PHALHANWA, P.S. HARNAUT, DISTRICT NALANDA

..... PETITIONER/S
VERSUS
THE STATE OF BIHAR OPPOSITE PARTY/S
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Appearance:

For the Petitioner/s : Mr. Uday Prasad, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 03-07-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Being annoyed with persistent demand of Rs.40,000/-, the price of rice which one of the accused Ramchandra had taken from Niraj Kumar, it has been alleged that on 02.01.2014 when informant along with Niraj had gone to the place of Ramchandra, he abused and on protest, Ramchandra, his sons Dharmendra, Arjun and Moti son of Arjun began to assault with lathi and danda. Furthermore, on an order of Ramchandra, Dharmendra gone inside his house took out pistol and fired at Niraj causing injury over his right shoulder..

Contention on behalf of the petitioner is that what ever allegation has been attributed are false and frivolous as well as only to make their escape out of Harnaut P.S. Case No.

6 of 2014 instituted by Kameshwari Devi @ Urmila Devi (Annexure-2) whereunder it has specifically been incorporated that Bhushan Sah, Kameshwar Yadav, Chando Yadav, Dhiraj Yadav, Dharmendra Yadav came and began to dismantle her Darwaja, which was resisted by her and on account thereof, Dhiraj and Dharmendra fired causing injury over neck of Atramji Devi wife of Ramchandra Sao.

From perusal of the case diary, it is apparent that independent witnesses examined under para-18, 19 have stated that Upendra son of Ramchandra had executed land in favour of Bhushan while Arjun and Dharmendra were interested to purchase the same and for that, they were putting hindrance in the peaceful possession of Bhushan for which both the parties locked their horns and during course thereof, fired causing firearm injury at both sides.

In the aforesaid facts and circumstances of the case, I do not see it a fit case for grant of anticipatory bail.

Prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J.)

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