

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47581 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -DUMRAON District- BUXAR

- =====
1. Subhash Chandra Ram @ Subodh Ram, Son of late Ramdeo Ram.
 2. Vijay Ram, Son of late Mahagu Ram.
 3. Rajendra Ram @ Rajendra Kumar Ram, Son of Late Mahesh Ram.
 4. Priyesh Ram @ Priyesh Kumar Ram, Son of Gulabchand Ram.
 5. Kusum Devi @ Kusumi Devi wife of Gulabchand Ram.

All residents of Village- Purana Bhojpur, South Tola , Police Station –
Dumraon, (Naya Bhojpur O.P) District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 02-11-2015

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

The petitioners apprehend arrest in Dumraon
P.S. Case No. 216 of 2015 dated 08.07.2015 instituted under
Sections 147/149/447/341/323/353/427/379/504 of the
Indian Penal Code.

The allegation against the petitioners is of
entering the official chamber of the informant, who is the
Headmaster of the Middle School, Old Bhojpur, Dumraon,
Buxar and misbehaving with him and other teachers and also
assaulting them causing damage to the objects in the office
and snatching Rs. 2,000/- from the pocket of the informant.

Learned counsel for the petitioners submits



that it is a false allegation since a day prior to the alleged date of occurrence, the son of petitioner no. 5 was beaten up by the informant and other teachers on some trivial issue and the same resulted in fracture of bone of the son of the petitioner no. 5 which was revealed in the X-ray done on 8th July, 2015 and upon coming to know of the same, this false case has been filed to save the informant and other teachers from the ill effect of their deeds on 06.07.2015. It is submitted that the son of petitioner no. 5 was admitted in the hospital on 6th July, 2015.

It is further submitted that the petitioner no. 1 was in fact not present at the place of occurrence as he was imparting training at B.K. Industrial Training Centre, Buxar on the said date from 10.00 A.M. to 3.00 P.M. as has been certified by the principal of the said institution. It is thus submitted that the petitioners have falsely been implicated by the informant for oblique reasons.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the conduct of the petitioners of entering the official chamber of the Headmaster of the school and conducting themselves in the manner alleged, speaks volume about the gravity of the situation and even if it was a trivial issue, the allegation against the petitioners ought not to be condoned as it gives premium to people taking the law in their own hands for redressal of grievances or protest which may otherwise be genuine. It is

further submitted that in fact, the petitioner no. 5 lodged a complaint case on 10th July, 2015 i.e., after three days of the said occurrence, by way of a counter blast since it has only tried to explain the incident as alleged in the present F.I.R. and not with regard to what steps they had taken against the boy/his guardian who are said to have assaulted the son of petitioner no. 5. It is further submitted that even from going through the contents of the complaint case, it is obvious that no believable ground has been made out inasmuch as why the Headmaster and all the teachers would thrash the son of petitioner no. 5, who herself is a cook in the school.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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