

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48774 of 2015

Arising Out of PS. Case No. -93 Year- 2015 Thana -SIKANDARA District- JAMUI

- =====
1. Pratap Kumar, son of Sri Bishundeo Mahto
 2. Makeshar Kumar, son of Sri Bishundeo Mahto
 3. Om Prakash Mahto, son of Sri Bishundeo Mahto
- All three are resident of village- Khardih, P.S.- Sikandra, District- Jamui
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Gulnar Begum (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 05-11-2015 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case under Sections 341, 323, 324/34 of the Indian Penal Code to which Sections 325 and 307 of the Indian Penal Code was added, later on.

The informant protested construction of wall on his land, whereupon the accused persons assaulted with bricks and Khanti, as a result, the informant sustained injury on his head, hand and leg. It is further alleged that the police in its supervision note stated that the backbone of the informant also got fractured.

The petitioners submit that the prosecution side is aggressors, who in fact were breaking their boundary wall. The

prosecution side too assaulted them for which a Complaint case has been filed giving rise of Complaint case no. 1187 C of 2015.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Their prayer for grant of anticipatory bail is rejected. However, if the petitioners surrender before the court below and pray for regular bail within six weeks from today, the same would be considered on its own merit without being prejudiced also taking into consideration the case and counter case.

(Samarendra Pratap Singh, J.)

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