

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20488 of 2015

Arising out of PS.Case No. -343 Year- 2012 Thana -DALSINGHSARAI District- SAMASTIPUR

- 1. Sanjay Kumar @ Sanjay Rai.
- 2. Jata Shankar Rai.
- 3. Prithwi Raj Giri.
- 4. Saroj Ray.

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance :

For the Petitioners : Mr. Piyush Anand, Advocate.

For the Opposite Party : Mr. Ram Shankar Das(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-09-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Dalsingsarai P.S. Case No. 343 of 2012 for the offences instituted under Sections 147, 148, 149, 341, 323, 354, 307, 448, 504 of the IPC and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 16.11.2012 at 8 hours accused Jata Shankar Rai, Sanjay Rai, Saroj Rai, Prithvi Raj Giri and Ram Bilas Singh came there armed with Lathi, Danda and asked to vacate the land and entered inside the house started to assault and to remove her house and Jata Shankar started to assault on his back and stomach with bricks. Dhanik Paswan, Reena Devi and Girija Devi came to her rescue then Saroj Rai started to

assault by pushing both the leg in opposite direction and when neighbours came they fled away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the petitioners have falsely been implicated in the present case due to land dispute. It is further submitted that there was no external injury on the body of the deceased as per the injury report annexure-2 but in the post mortem report which is annexure-5 to the present application internal injury is said to have been found.

On behalf of the State it has been submitted that the petitioners have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners in connection with Dalsingsarai P.S. Case No. 343/2012, pending in the court of the learned ACJM, Dalsingsarai, Samasripur. The same is rejected. Anyhow, if the petitioners surrender in the court below within a period of eight weeks, the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)