

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42070 of 2015

Arising Out of PS.Case No. -182 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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1. Sudhir Singh
2. Sunil Singh @ Sunil Kr. Singh Both sons of Vishwanath Singh Resident
of Village-Vampali, P.S.-Udwant Nagar, District-Bhojpur.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 12-10-2015 Heard the learned counsel for the petitioners and the

learned A.P.P for the State as well as learned counsel for the

informant.

The petitioners, namely, Sudhir Singh and Sunil Singh
@ Sunil Kumar Singh apprehends their arrest in Udwant Nagar
P.S. Case No.182 of 2015 under Sections 147, 148, 149, 341, 323,
324, 325, 307, 448, 380, 427, 504, 506 I.P.C. and Section 302
I.P.C. which was added subsequently on the death of the
informant's father.

The allegation in the F.I.R. is that the accused persons
15 in number and 4-5 unknown persons armed with lathi, hockey
sticks, rod, gun etc. came and started abusing. When they
objected, Haridwar assaulted the father of the informant with butt
of the rifle as a result of which, he fell down. The other persons



also assaulted Keshav Singh, Bhim Singh, Satya Narayan Singh, Vibha Devi and Rajeev Kumar. Maharana Pratap Singh assaulted Vibha Devi with butt of gun, Keshav Singh was assaulted by Subhash Singh, Munna Singh with hockey stick, Shivji Singh and Karan Singh assaulted Rajeev with danda. They also brutally assaulted the other informant's party causing injury to them. From the neck of Vibha Devi, Rabindra Singh and Sunil Singh snatched chain and earrings.

The learned counsel for the petitioners submitted that there is no overt act alleged against the petitioner No.1 and so far petitioner No.2 is concerned also, only allegation is that he snatched the chain from the neck of Vibha Devi. The learned counsel further submitted that there is also counter version and in fact, the petitioner's party have also filed Udwant Nagar P.S. Case No.183 of 2015 which shows that the petitioner's party had also received injuries in the said fighting. The injury report has been annexed with the bail application. According to the learned counsel, there is land dispute between the parties and, therefore, the petitioners have been falsely implicated and moreover, in the F.I.R. lodged by the petitioners, there is no mention that these petitioners were also present at the spot.

On the other hand, the learned A.P.P. and the learned counsel appearing on behalf of the informant submitted that there

is allegation that all the accused persons assaulted various members of the informant's party and the father of the informant has died in the hospital and subsequently, Section 302 I.P.C. has been added. The learned counsel further submitted that in fact, there were many persons, therefore, it is not possible to specify the overt act of each persons. Therefore, on this ground that there is no overt act alleged against the petitioners, the petitioners cannot be released on anticipatory bail.

From perusal of the F.I.R., it appears that all the accused persons have been named and it is alleged that all of them were armed with various deadly weapons such as rifle, gun, hockey stick, iron rod and there is allegation that all of them assaulted members of the informant's party. Admittedly, the informant's father has died and then Section 302 I.P.C. has been added subsequently.

So far the submission of the learned counsel that counter case has been filed, that will be decided on merit but in my opinion, in view of the allegation made in the F.I.R., this is not a fit case for grant of anticipatory bail.

Accordingly, this bail application is rejected.

(Mungeshwar Sahoo, J)

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