

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35430 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -AMBA District- AURANGABAD

=====

1. Chunmun Mishra @ Chunmun Kumar Son of Krishna Ballabh Mishra
2. Sagar Mishra Son of Anil Mishra Both are resident of Village- Parta,
P.S.- Amba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Yadav

For the Opposite Party/s : Mr. M. Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-09-2016 Heard the Counsel for the petitioners and Mr. M. Dayal,

APP for the State.

The petitioners are facing prosecution under sections 341,
147, 149, 323, 325, 307 and 379 of the Indian Penal Code vide
Amba P.S. Case No. 28 of 2016.

The informant claims forceful possession over a piece of
land which appears to have been recorded in the name of State of
Bihar. He was trying to put up construction thereover which was
resisted by the villagers and some brick batting was resorted to.
Subsequently, it is alleged that these two petitioners came to the
informant and petitioner no. 1 assaulted him on head by tangi
whereas petitioner no. 2 assaulted him with lathi.

Contention of the petitioners is that the informant
himself was an offender by constructing over the land belonging

to the State. The mob and the petitioners had protested thereagainst. The injury report does not fully support the prosecution case as the doctor found injury on the head/skull caused by hard and blunt substance. The petitioners having no criminal antecedent deserve to be granted anticipatory bail.

Learned APP opposed the prayer and submitted that specific allegation of having caused injury to the informant has been alleged against these two petitioners. He placed the order of the learned Sessions Judge wherefrom it appears that the informant received injury on the frontal part of the skull as well as the injury sustained in the leg was also found grievous.

Looking to the nature of the allegation and the injuries sustained by the informant, I am not persuaded to extend them privilege of anticipatory bail. Prayer is rejected.

(Kishore Kumar Mandal, J)

Pankaj/-

U		T	
---	--	---	--