

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36370 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -KARPI District- JEHANABAD

Ashok Singh son of Late Manijar Singh resident of village - Jindapur, P.S.-
Karpi, District - Arwal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.41333 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -KARPI District- JEHANABAD

Sanoj Kumar Son of Late Manijar Singh Resident of village- Jindapur, P.S.-
Karpi, District- Arwal

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.36370 of 2016)

For the Petitioner : Mr. Sandeep Kumar, Advocate.
Mr. Viveka Nand Singh, Advocate.
For the Opposite Party : Mr. Ajay Kr.-2(App)
For the Informant : Mr. D.K. Sinha, Sr. Advocate.
Mr. Abhinay Raj, Advocate.

(In Cr.Misc. No.41333 of 2016)

For the Petitioner : Mr. Sandeep Kumar, Advocate.
Mr. Viveka Nand Singh, Advocate.
For the Opposite Party : Mr. Murlidhar, APP.
For the Informant : Mr. D.K. Sinha, Sr. Advocate.
Mr. Abhinay Raj, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 11-11-2016 Heard Mr. Sandeep Kumar, learned counsel for the
petitioners, Mr. Devendra Kumar Sinha, learned senior counsel for the
informant as well as learned APP for the State.

The petitioners apprehend their arrest in Karpi (Shahar Telpa) P.S. Case No. 71 of 2016 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant named the petitioners along with other accused persons and alleged that all the accused persons having armed with different weapons came to the house of the informant. Ashok Singh having armed with rifle and Sanoj Kumar having armed with pistol entered into the house assaulted Manorma Devi, Manoj Kumar, Budhram Singh, Sandhya Devi, Amrendra Kumar, Satyendra Kumar Singh and Rahul Kumar.

Learned counsel for the petitioners submits that the petitioners earlier stated, in paragraph-3 of the petition, that they have got no criminal antecedent, but later on it transpired that both the petitioners are accused in Karpi (Shahar Telpa) P.S. Case No. 158 of 2014 registered under Section 323 and other Sections of the Indian Penal Code. The present case is also lodged by non-else than the co-sharer of the petitioners. The injuries found on the persons of the injured are simple in nature caused by hard and blunt object. If the petitioners had any intention to kill the informant and others they would have fired, but they are only alleged to have assaulted with butt of rifle and pistol. All other accused persons have already been granted anticipatory bail vide order passed in Cr. Misc. No. 34496 of 2016 on 01.09.2016. Even in the counter case the accused persons have been granted anticipatory bail, but Sri Devendra Kumar Sinha, learned senior

counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioners have knowingly and conveniently concealed the fact of their having criminal antecedent.

It appears that the petitioners, of course, have got criminal case against them but the occurrence took place due to land dispute between the co-sharers.

Considering the facts aforesaid and the fact that the petitioners have got criminal antecedent, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that injuries found on the persons of the injured are simple in nature and all other accused persons have been granted anticipatory bail and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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