

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40017 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -VAISHALI District- VAISHALI (HAJIPUR)

- =====
1. Ram Krishna, Son of Gauri Shankar,
 2. Jagrat Prakash, Son of Ram Krishna,
 3. Vivek Prakash, Son of Ram Kishna,
- All 1 to 3 are resident of Village – Tok Hagarnath Sarhatha, P.S.
Vaishali (Belsare O.P.), Distt. Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-10-2016

Heard both sides.

The petitioners, Ram Krishna, Jagrat Prakash and Vivek Prakash, apprehend their arrest in Vaishali (Belsare O.P.) P.S. Case No. 66/16 registered under Sections 147, 149, 447, 323, 324, 325, 504 of the Indian Penal Code. Later on, Section 307 of the Indian Penal Code was added.

The informant alleged that while he was on his Darwaza, the petitioners and others having armed with different weapons came and began to abuse. When Madhubala, the daughter of the informant, protested, Jagrat Prakash (petitioner no. 2) is alleged to have assaulted Madhubala with sticks causing fracture injury on her left hand. Jagrat Praksh also assaulted Madhubala on her right hand and other parts of the body. When

the informant came to save her, Ram Krishna (petitioner no. 1) assaulted the informant with Farsa on his head and Vivek Prakash (petitioner no. 3) also assaulted him with spear. When Om Prakash Verma, the son of the informant, came to save him, Vivek Prakash (petitioner no. 3) is alleged to have assaulted Om Prakash Verma.

Learned counsel for the petitioners submits that the petitioner no. 1 Ram Krishna and the informant Gopal Krishna are own brothers. There is a land dispute between the parties. The petitioners were also assaulted but the petitioners did not lodge any case because the informant happens to be the own brother of the petitioner no. 1 but it appears from perusal of the case diary and the injury report that on account of the assault made by the petitioners Madhubala got one grievous injury and Om Prakash Verma got two injuries. The informant Gopal Krishna also got injuries on his head.

Considering the facts that on account of the assault made by the petitioners, grievous injuries are caused to the informant and his son and daughter, I am not inclined to enlarge the petitioners on anticipatory bail in Vaishali (Belsare O.P.) Case No. 66/16. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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