

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24614 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Paramhans Ram, Son of Late Rajapati Ram

2. Vivek Kumar Sinha, Son of Santosh Srivastava @ Bholalal,

Both are Resident of Village - Amarpura, P.S. Mohania, District - Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate.

For the Opposite Party/s : Mr. Yogendra Kr. Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 10-08-2016

Heard both sides.

The petitioners, namely, Paramhans Ram and Vivek Kumar Sinha, apprehend their arrest in Mohania P.S. Case No. 183/2016 registered under Sections 147, 148, 323, 307 and other sections of the Indian Penal Code, Section 27 of the Arms Act and Section 47/53(2)(b) of the Excise Act.

The informant named the petitioners and alleged that while he was returning to his house, the petitioners surrounded and assaulted him. Petitioner no. 1 Paramhans Ram is alleged to have assaulted the informant with Farsa on his head and petitioner no. 2 Vivek Kumar Sinha is alleged to have assaulted the informant with iron rod on his shoulder. Learned counsel for the petitioners



submits that seven persons are alleged to have assaulted the informant but only four injuries are caused to the informant. All the injuries are simple in nature. There is a counter-version bearing SC/ST Bhabhua P.S. case No. 50/2015. It is submitted that the informant is a journalist but he published news only to extract money. It is further submitted that the informant has also got criminal antecedents and two cases are lodged against him under SC/ST Act by petitioner no. 1 Paramhans Ram and others. Sidheshwar Tiwary also lodged a case against the informant bearing Mohania P.S. Case No. 208/2010.

On the other hand, learned counsel for the informant as well as learned A.P.P. opposed the prayer for anticipatory bail and submitted that there is a specific allegation of assault against both the petitioners and corresponding injuries were found on the head and shoulder of the informant.

It appears that, of course, there is a case and counter-case but the informant alleged that both the petitioners assaulted him with Farsa and iron rod on his head and shoulder respectively and corresponding injuries were found but both the petitioners have also got criminal antecedents.

Considering the facts aforesaid and the fact that both the petitioners have got criminal antecedents, I am not inclined to

enlarge the petitioners on anticipatory bail in Mohania P.S. Case
No. 183 of 2016. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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