

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52916 of 2015

Arising Out of PS.Case No. -203 Year- 2015 Thana -CHANDAULI District- GAYA

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1. Raghubir Kumar
2. Rajukumar @ Raj Kumar Both sons of Ram Lakhan Ravidas Resident of Kujapi, Ps Chandauti, District Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 16-02-2016 Heard the counsel for the petitioners and Ms. Anita Kumari Singh, APP for the State.

The petitioners herein seek anticipatory bail in Chandauti P.S. Case No. 203/2015 registered under Sections 147, 148, 149, 341, 323, 326, 307 and 379 of the Indian Penal Code.

It is alleged that the petitioners along with few named and some unknown accused persons arrived at the house of the informant and started indiscriminately assaulting the family members, in course whereof the informant and his wife sustained injuries caused by those weapons.

Contention of the petitioners is that the allegation is general in so far as the petitioners are concerned. Specific allegation of assault is attributed to some other co-accused

persons. There is a land dispute between the parties. A case is also lodged in relation to the said occurrence vide Annexure-2.

The APP for the State opposes the prayer and contends that the injuries sustained by the four persons are indicative of the use of the weapons held by the accused persons including the petitioners.

The learned Sessions Judge in the impugned order has found that forming and unlawful assembly the accused persons entered into the house of the informant and assaulted with lathi, danda causing injuries to as many as 3/4 persons. Considering the manner of occurrence and the role assigned to the petitioners, in my view, they are not entitled to privilege of anticipatory bail. The prayer is accordingly rejected. Petitioners may surrender and pray for regular bail.

(Kishore Kumar Mandal, J)

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