

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58367 of 2015

Arising Out of PS.Case No. -245 Year- 2015 Thana -RAJALI District- NAWADA

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1. Soni Kumar Son of Sri Kedar Yadav Resident of Village - Chautha, P.S. - Rajali, Distt. - Nawada.
 2. Ashok Rajbanshi @ Shalok Rajbanshi Son of Bachci Rajbanshi resident of Jogiymarang, P.S. - Rajali, Distt. - Nawada.
 3. Ashok Bhuiyan Son of Mahendra Bhuiyan Resident of Village - Ghasia Dih, P.S. - Rajali, Distt. - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikesh Kumar

For the Opposite Party/s : Mr. Pronati Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Rajali P.S.Case No. 245 of 2015 instituted under Sections 147, 148, 149, 323, 324, 332, 307, 353, 379, 511 and 504 of the Indian Penal Code and Sections 3/4/5 B.M.M.C Rule, pending in the Court of learned C.J.M., Nawada.

It is alleged by the informant that he along with other police force proceeded on 28.9.2015 at about 7.30 O' clock for investigation of pending cases and during course of investigation the informant got a secret information that some persons were carrying sand by tractors illegally to Rajali and



upon this information the informant along with other police force started checking the vehicles near the Rajauli Sub-division Office and about 9 O' clock two tractors loading with sand were coming towards Rajauli from Hardiya. Behind the tractor Sadhu Yadav @ Gautam Kumar and Mukesh Kumar on a motorcycle were also coming. It is further alleged that the informant gave signal to stop the tractors. Tractors were stopped, thereupon the persons on tractors having Belcha, Kudal, who were on tractors as well as Sadhu Yadav and Mukesh Kumar @ Mukesh Don ordered for assaulting and snatching the rifles and they started snatching the rifles. They also assaulted the constables with Belcha. The family members of Sadhu Yadav @ Gautam Kumar and Mukesh Kumar @ Mukesh Don numbering 8 to 10 also came with lathi started assaulting due to which the informant and constables Mithlesh Kumar and Manish Kumar Bharti sustained injuries and failed down. In course of assault accused Pappu Yadav also sustained injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. No specific injury has been attributed against the petitioners. General and omnibus allegation has been made. The petitioners have falsely been implicated in the present case. The petitioners are drivers of

the tractors who were present at the place of occurrence.

On behalf of the State, it is submitted that the petitioners are named in the FIR and have actively participated in the alleged occurrence where police constables are said to have been assaulted.

Considering the aforesaid facts, I am not inclined to grant privilege of anticipatory bail to the petitioners and same is rejected.

Any how, if the petitioners surrender in the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order of rejection taking into account the submissions made on their behalf, preferably on the same day.

(Sudhir Singh, J)

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