

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51321 of 2016

Arising Out of PS.Case No. -1015 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

- =====
1. Mukesh Ram.
 2. Sanjay Ram.
 3. Naresh Ram. All Sons of Kishuni Ram. All residents of Village- Harpur Bakhari, P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nachiketa Jha, Advocate.

For the Opposite Party : Mr. C. Sen Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-03-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Ahiyapur P.S. Case No. 1015 of 2015 for the offences instituted under Sections 341, 323, 325, 307, 337, 338, 354, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that co-accused Kishuni Ram and others assaulted the informant's uncle. While the informant was taking his uncle to his house after getting treatment from the hospital, the petitioners assaulted the informant with iron rod causing head injury. He was admitted in hospital. Co-accused Kishuni Ram also assaulted the family members of the



informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The case has been instituted after five days of the occurrence. The delay has not been explained by the prosecution. It is a case and counter case between the parties. Both parties are agnates and due to the family dispute the alleged occurrence is said to have taken place. Both sides have been injured in course of occurrence.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and they have actively participated in assault where two persons are said to have been injured. The nature of injury is grievous. The counter case vide Annexure-2 to the present application was filed on 07.11.2015 by way of complaint case as to when date of occurrence is 03.11.2015. The delay in filing the complaint has not been explained by the petitioners also, hence, it cannot be said that the petitioners have come to the Court with a clean hand.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Ahiyapur P.S. Case No. 1015 of



2015 pending in the court of learned Chief Judicial Magistrate, Muzaffarpur. If the petitioners surrender in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)

