

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53387 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -SAHPUR District- PATNA

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1. JOGINDRA SINGH, S/O LATE MITHLESH SINGH,
 2. SONU SINGH & SONU KUMAR, S/O LATE MITHLESH SINGH,
 3. RAJEEV KUMAR, S/O RABINDAR SINGH,
 4. NAGESHWAR SHARMA, S/O LATE KEDAR SHARMA,
 5. AMIT KUMAR, S/O BHUNESHWAR SHARMA,
 6. SANJEEV KUMAR, S/O RABINDAR SINGH,
 7. KRISHNA SHARMA, S/O MEGHNATH SHARMA,
 8. HARENDRA SINGH, S/O LATE MITHILESH SINGH,
 9. MUNCHUM KUMAR @ MANCHUN KUMAR, S/O PAWAN KUMAR SHARMA.

ALL RESIDENT OF VILLAGE- GANGHARA, PS- SAHPUR,
DISTRICT- PATNA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 23-02-2017 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor along with learned counsel for the informant.

The narration of the prosecution suggest that the victim were ruthlessly assaulted at the hands of petitioners including others who were variously armed in the background of dispute over panchayat election and further, to have proper treatment of the injuries, both the injured namely, informant, Vikash Kumar as well as his brother Mukesh Kumar have been taken to PMCH where they were under going treatment. It has also been alleged that Harendra



Singh, one of the petitioner pulled Pushpa Devi in such manner on account of which her hand became fracture. During said course Amrish Kumar was also assaulted. The chain from Pushpa Devi was snatched away by Rabindra Singh and chain from Amrish Kumar was snatched away by Pawan Kumar. Vicky Kumar had assaulted with iron rod. Praduman and Vinay also fired which did not hit anybody.

Contention on behalf of petitioners is that from Annexure-2, it is evident that petitioner Sonu Kumar along with his brother Rabindra Singh, mother were also assaulted by the prosecution party whereupon they were also taken to PMCH. Furthermore, it has also been submitted that dispute relating to panchayat election happens to be the root cause. So. In the background of case and counter case coupled with the fact that there happens to be presence of injuries at the end of both the parties and further, the allegation being in omnibus in manner, it is a fit case whereunder petitioner should be granted anticipatory bail.

The learned Additional Public Prosecutor assisted by learned counsel for the informant opposed the prayer.

So far prosecution evidence is concerned, from perusal of case diary it is apparent that there happens to be consistent statement of the witnesses regarding assault having made over prosecution party. Even considering the submission having been made on behalf of learned counsel for the petitioner, on account of presence of counter case it is apparent that an occurrence had taken place whereunder, both the parties have sustained injuries and so, the privilege of anticipatory bail, in the aforesaid facts and circumstances of the case would not be given in favour of the petitioners.



That being so, instant petition sans merit and is accordingly rejected. Petitioners are directed to surrender before the learned lower court within fortnight.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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