

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22986 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -BIHARIGANJ District- MADHEPURA

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1. Ashish Kumar Singh @ Munna @ Ashish Kumar @ Munna Singh,
2. Aswani Kumar Singh @ Nago Singh,
3. Vivek Kumar Singh @ Mithu Singh,
All are Sons of Durgeshwar Prasad Singh, Resident of Village Bihariganj,
Police Station Bihariganj, District- Madhepura..... .. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioners and learned APP representing the State.

Petitioners apprehend their arrest in connection with Bihariganj P.S. Case No. 23 of 2017 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 379, 504, 506 of the Indian Penal Code.

Allegedly, the petitioners in the occurrence assaulted the informant on his head and body with intention to kill him with iron rod causing injury on his head and other parts of the body and further they assaulted their own father also.

Submission is of false implication and that due to land dispute the occurrence has taken place, the informant after bringing father of the petitioners in collusion has got executed the



sale deed for the land and for that the occurrence has taken place, there was no intention to commit murder, so the offence under Section 307 IPC is not made out. Allegation under Section 379 IPC is ornamental one, there is case and counter case and as such the petitioners deserve sympathetic consideration.

Learned APP duly assisted by learned counsel for the petitioners opposes the prayer of pre-arrest bail by submitting that altogether five injuries have been found on the person of the informant, out of which one is grievous and two injuries are on the head.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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