

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12745 of 2017

Arising Out of PS.Case No. -117 Year- 2016 Thana -BARIYARPUR District- MUNGER

- =====
1. Ajay Mandal Son of Birendra Mandal.
 2. Chandan Kumar Son of Upendra Mandal.
 3. Nitish Kumar @ Nitya Mandal Son of Upendra Mandal.
 4. Bipin Yadav Son of Late Jagdish Yadav. All Resident of Village-Sotipur, Police Station- Haweli Kharagpur, District- Munger.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Ranjan, Advocate.

For the Opposite Party : Ms. Sahin Begam, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 23-06-2017 Heard both sides.

The petitioners apprehend their arrest in Bariyarpur P.S.

Case No. 117 of 2016 registered for the offences punishable under Sections 307, 386 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that he hired three auto rickshaws and he along with his family members were going for Mundan of his nephew and niece namely Sakti and Divya but the accused persons stopped the auto rickshaw and demanded extortion. The informant gave Rs. 500/- but the accused persons demanded Rs. 1000/-. When the informant refused to pay Rs. 1000/- the accused persons assaulted the informant and his family members. The accused persons also broke the glass of the auto



rickshaw.

Learned counsel for the petitioners submits that the informant stated in the FIR that he got injuries on his head and other family members were also assaulted but in paragraph-53 of the case diary Kalpana Kumari was examined and no external injury was found on her person. In paragraph-71 of the case diary one Sajan Kumar got injuries but the informant did not disclose the name of Sajan Kumar in his fardbeyan or in his subsequent statement but from perusal of the case diary it appears that besides the informant all other witnesses, examined during the course of investigation, have stated that the petitioner demanded extortion and on refusal they indiscriminately assaulted the informant and his family members.

Considering the facts aforesaid and nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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