

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29292 of 2017**

Arising Out of PS.Case No. -214 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD  
=====

1. Bitu Kumar @ Bitu Ram.
2. Akash Kumar @ Akash Ram.  
Both are son of Muni Ram, R/o Village-Sabdapur, P.S.-Makhdumpur,  
District-Jehanabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav  
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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      01-07-2017                      Heard the counsel for the petitioners and APP for the  
  
State.

The petitioners apprehending their arrest in connection with Makhdumpur P.S. Case No. 214 of 2015 registered for the offence punishable under Sections 341, 323, 325, 504, 506, 379, 34 of the Indian Penal Code.

Allegation against the petitioners is that on 14.07.2015 when the informant was going to Makhdumpur market, both the petitioners intercepted him and demanded money. On protest, they abused him and on the point of pistol, the accused Akash Ram took out Rs. 10,900/- from his pocket and also snatched his mobile.

Learned counsel for the petitioners submits that the petitioners and the informant are resident of same village. The



allegation of taking money and mobile phone has been cooked up for making the offence grave. The occurrence took place at 5:00 PM and F.I.R. was lodged on the following day.

Learned APP, on the other hand, opposed the submissions. It was submitted that in course of playing cricket, the informant sustained grievous injury on fibula at left forearm and so the petitioners do not deserve anticipatory bail.

On perusal of the F.I.R., I find that there is specific allegation that the petitioners intercepted the informant and assaulted. They pointed pistol and snatched mobile phone and cash amount of Rs. 10,900/-. The injury report which is annexed as Annexure-2 shows that the informant sustained fracture injury on forearm which is grievous in nature.

Considering the grievous nature of injury as well as allegation of snatching mobile phone and cash amount of Rs. 10,900/-, I am not inclined to grant him anticipatory bail. Their prayer is rejected.

The petitioners are directed to surrender and seek regular bail in the court below. If they do so, the same shall be considered and disposed of on its own merit without being prejudiced by the present order.

**(Sanjay Kumar, J)**

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