

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21101 of 2018**

Arising Out of PS.Case No. -947 Year- 2017 Thana -BHOJPUR COMPLAINT CASE District-  
BHOJPUR

- =====
1. Imran Mian Son of Nizamuddin Mian
  2. Sahjad Mian@ Sahjat Mian Son of Chinna Mian
  3. Firoj Mian@ Md. Firoj Son of Islam Mian
  4. Ayub Alam @ Ayub Mian Son of Kalu Mian All resident of Village-  
Sandesh, P.S.- Sandesh, District- Bhojpur at Ara.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Shyam Babu Gupta Son of late Anant Gupta Resident of Village-  
Sandesh, P.S. Sandesh, District- Bhojpur.

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

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Md. Fahimuddin

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

2      26-04-2018                      Heard the learned counsel for the petitioners, the  
  
learned A.P.P. for the State as also the learned counsel for the  
  
Complainant.

In this application for anticipatory bail the petitioners  
apprehend their arrest in connection with Complaint Case No. 947  
(C) of 2017 for the offences punishable under sections 323, 324,  
377 and 120 (B)/34 of the I.P.C.

Allegedly, the petitioners and other co-accused at the  
point of knife committed unnatural offence with the minor son of  
the complainant causing injury to him and further the accused



persons assaulted him and with intention to kill him administered intoxicant and threw the son of the complainant near the road. The son of the complainant has been treated in Sandesh Hospital and thereafter in Ara Sadar Hospital and thereafter in P.M.C.H. The police was reported by P.M.C.H but no case was registered. As the police officer did not register the case therefore complaint case was filed.

Submission is of false implication and that as the petitioners have not cast vote in favour of the informant at the time of election wherein Bhabhu of the complainant was candidate and then the complainant has lodged this false case, the complaint was sent to the S.P. Bhojpur and it was enquired by the police officer and the police officer has not found the allegation true, vide Annexure-2, and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioners by submitting that the doctor of P.M.C.H. has found injury on the person of son of the complainant and has issued injury report also.

In the facts and circumstances stated above, I am not inclined to grant privilege of pre-arrest bail to the petitioners



and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M-9, Ara, District- Bhojpur.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered in the light of the submissions made by the petitioners.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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