

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53410 of 2018

Arising Out of PS. Case No.-360 Year-2017 Thana- RAJAOLI District- Nawada

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1. Hira Prasad, S/o Late Somar Mahto,
 2. Deepak Kumar @ Dipu, S/o Hira Prasad, Both R/o Vill.- Satgir,
P.S.- Rajauli, District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Lilawati Singh, Advocate.
For the Opposite Party : Smt. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 148, 341, 323,
324, 307 and 379/34 of the IPC.

The prosecution story, in brief, is that on 21.11.2017
at about 10 A.M., the informant alongwith his family members
went to his field for cutting paddy crops. At that time, all the
accused persons including the petitioners armed with various
weapons came there and petitioner no. 1 Heera Yadav told to
kill them as they were cutting paddy crops and petitioner no. 1
Heera Prasad assaulted the informant's father Ramashish Yadav
with *Saif* causing head injury and when the informant and others



ran to save, co-accused Ramjee Prasad assaulted his uncle Ramchandra Prasad on his head with *Garasa* and thereafter co-accused Anandi Prasad assaulted his cousin brother Ram Jatan Prasad with *Pasuli* causing cut injury on his hand and thereafter petitioner no. 2 Deepak Kumar assaulted the informant with *Tangi* causing head injury due to which he fell down there unconscious and thereafter co-accused Nawlesh Kumar took out Rs. 12,000/- from his pocket and co-accused Pawan Kumar committed theft of his mobile.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Both parties are agnates. Due to family dispute, alleged occurrence has taken place. Petitioner no. 1 is alleged to have assaulted on the head of Ramashish Yadav, father of the informant. The said injury is said to be simple. Petitioner no. 2 is said to have assaulted on the head of the informant. The said injury is grievous in nature.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Petitioner no. 1 is said to have assaulted on the head of Ramashish Yadav, father of the



informant. He sustained two injuries. First injury is said to be simple. Second injury is said to be grievous. As far as petitioner no. 2 is concerned, he is said to have assaulted on the head of the informant whose nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Rajauli P.S. Case No. 360/2017, pending in the court of learned A.C.J.M. Nawada. Anyhow, if the petitioners surrender and pray for regular bail in the court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

U.K./-

(Sudhir Singh, J)

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