

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49516 of 2019

Arising Out of PS. Case No.-294 Year-2019 Thana- KHAJANCHI HAT District- Purnia

SHANKAR KUMAR KUSHWAHA @ SHANKAR KUSHWAHA @
SHANKAR KUMAR BISWAS Son of Nebi Lal Bishwas Resident of Village
- Kochaili, Purnea, Barsauni, P.S.- Dagurwa Barsauni, Distt - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.P.K.Shahi, Sr.Adv.
Mr. Ranjeet Kumar
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 05-11-2019 Heard the parties.

This application is for grant of regular bail in connection with K. Hat (Sahayak) P.S.Case No.294 of 2019 for the offences under Sections 147, 148, 149, 341, 323, 325, 307 of the Indian Penal Code.

Allegation as per the FIR , which has been lodged by the informant is that he along with the others came for a *panchayati* along with the others and as soon as they reached at Laxmi Temple, the petitioner and other accused persons stopped his vehicle and the petitioner dragged his brother from the vehicle and assaulted by bamboo due to which his brother fell down. They have also assaulted Nurul Khan and others and his brother was taken to the hospital for better treatment.



Submission of the learned counsel for the petitioner is that as a matter of fact the informant and others went to forcibly occupy the house of one person in which the mob assembled and they have protested in which some scuffle took place and the petitioner has falsely been implicated in this case. It is further submitted that altogether five cases have been lodged in connection with the above occurrence and the present case has been lodged by one Nurul, another case has been lodged by one Asha Devi wife of Lakhan Lal Vishwas against Bittu Singh and others which is annexure 2 that they forcibly came in order to get the house vacated, one another case has been filed by Nurul Khan, which is annexure 3, in which the petitioner and others are accused, fourth case has been filed by one Pushpesh Kumar, which is annexure 4 and fifth case has been lodged by the Police Inspector on the self-statement, which is annexure-5 and from perusal of the same and the case diary, it appears that the informant and others are aggressor, they have gone to forcibly capture the house of Asha Devi, in the meantime, the mob assembled, protested and scuffle took place. Petitioner has falsely been implicated in this case.

On the other hand the learned APP has opposed the prayer for bail on the ground that the brother of the informant



has later on died and there is allegation against this petitioner of assaulting the brother of the informant. Moreover from perusal of the case diary in all five cases, it appears that the matter relates to the claim and counter claim over the house occupied by Asha Devi in which one party has tried to grab the house, on that petitioner and others were called by Asha Devi and they started assaulting the informant, police also came and in front of the police also the occurrence took place . It clearly appears that it is a case of show of strength between the parties with respect to a piece of land and house, in which there is active role of the petitioner and one person has also died later on.

Having heard both sides and in view of the facts as stated above, I am not inclined to grant privilege of the anticipatory bail to the petitioner rather the petitioner is directed to surrender before the learned court below and pray for regular bail.

Accordingly, with the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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