

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7328 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- LAURIA District- West Champaran

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1. CHANDAN DUBEY Son of Malik Dubey @ Sudhir Dubey Resident of Village - Gobraura, Police Station - Lauriya, District - West Champaran.
 2. Malik Dubey @ Sudhir Dubey Son of Late Rameshwar Dubey @ Late Rameshwar Dube Resident of Village - Gobraura, Police Station - Lauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s :	Mr Brij Kishor Mishra, Advocate
For the Opposite Party/s :	Ms Anita Kumari Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-07-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Lauriya Police Station (for brevity, *PS*) Case No 154 of 2019 instituted for the offence punishable under Section (s) 341, 323, 324, 307, 452, 354/34 of Indian Penal Code.

The informant alleges that he has been assaulted by the petitioners by Chaku (knife). The informant's mother is also



alleged to have been assaulted when she intervened.

Learned counsel for the petitioners submits that one Semal tree is the bone of contention. The matter is between members of the same family and it is a case of false implication. Prior to the first information report being lodged, the petitioners side had already lodged a complaint case against the prosecution party (Annexure 2).

Learned APP has opposed the prayer for anticipatory bail referring to the injury report (Annexure 4 series). It is submitted that informant and mother, both have been found with injuries sustained. It is further submitted that there is criminal antecedent also against the petitioners.

Considering the rival submissions, this Court does not consider it a fit case for grant of anticipatory bail to the petitioners. The same is rejected.

This Court, however, would observe that if the petitioners surrender before the Court below and pray for regular bail, then the above observation shall not come in the way of consideration of regular bail.

(Madhuresh Prasad, J)

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