

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19768 of 2020

Arising Out of PS. Case No.-406 Year-2019 Thana- GHOSI District- Jehanabad

1. Birendra Singh, Son of Late Bhola Singh Resident of Village - Milkichak Rampur, P.S.- Ghoshi, District- Jehanabad
2. Bindeshwari Singh @ Vindeshwari Singh @ Bindeshi Singh, Son of Late Ramswaroop Singh Resident of Village - Milkichak Rampur, P.S.- Ghoshi, District- Jehanabad
3. Ashok Singh, Son of Jagdish Singh Resident of Village - Milkichak Rampur, P.S.- Ghoshi, District- Jehanabad
4. Mahesh Singh, Son of Jagdish Singh Resident of Village - Milkichak Rampur, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri- Sr. Advocate Mr. Ranjeet Kumar- Advocate Mr. Ayush Kumar- Advocate
For the Opposite Party/s :		Mr. Narendra Kumar Singh- A.P.P. Mr. Dinesh Jha- Advocate

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 14-10-2020 Heard learned counsel appearing for the petitioners

as well as learned Additional Public Prosecutor appearing for

the State through video conferencing.

Petitioners apprehend their arrest in connection
with Ghosi (Okari) P. S. Case No.406 of 2019 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 337, 338, 354, 307 and 302 of the I.P.C. and Section 27 of
the Arms Act.



Petitioners and several other persons are said to have assaulted the deceased and several other persons on account of dispute of passage.

Learned counsel appearing for the petitioners submits that there is case and counter-case between the parties and the co-accused of counter-case have already been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 30.06.2020 passed in Cr. Misc. No.5380 of 2020. Learned counsel for the petitioners further submits that the post mortem report of deceased does not corroborate the allegation levelled against the petitioners and, moreover, there is no specific allegation against these petitioners. Learned counsel for the petitioners further submits that petitioner no.2 is a handicapped person, and he cannot move without the assistance of others.

Learned counsel appearing for the petitioners further submits that police, in course of investigation, found the case true under the provisions of S.C./ S.T. (Prevention of Atrocities) Act, but as a matter of fact, the provisions of S.C./ S.T. (Prevention of Atrocities) Act are not applicable in the present case.

On the other hand, learned Additional Public



Prosecutor opposed the prayer.

Perusal of Paragraph-42 of the case diary goes to show that in course of supervision, the Superintendent of Police found the case true for the offence of S.C./ S.T. (Prevention of Atrocities) Act as well as under Section 302 of the I.P.C. and other minor Sections of the I.P.C. Moreover, taking note of the facts of the case, I do not feel it proper to extend the privilege of anticipatory bail to petitioners.

Accordingly, prayer for anticipatory bail of petitioners stands rejected.

However, the petitioners may surrender before the learned Court below within eight weeks from today and if, they do so, and seek regular bail, the competent Court shall consider the regular bail application of the petitioners on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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