

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2123 of 2020

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

1. RAJNANDAN SINGH Son of Jagdish Singh
2. Chandrakant Kumar @ Dhonger Son of Rajnandan Singh
Both are Resident of Village - Milkichak Rampur, P.S.- Ghosi, Distt - Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10344 of 2020

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

1. PINTU KUMAR S/o Vindeshwari Singh
2. Raju Kumar @ Rajev Kumar @ Raju Singh S/o Late Mudrika Singh
3. Manish Kumar S/o Vindeshwari Singh
4. Kundan Kumar S/o Kameshwar Singh
All the above petitioners are R/o village- Milkichak Rampur, P.S.- Ghoshi,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2123 of 2020)

For the Petitioner/s : Mr.Ranjeet Kumar, Adv

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 10344 of 2020)

For the Petitioner/s : Mr.Ranjeet Kumar, Adv

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-06-2020 Both matters have been taken up through video conferencing.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State in both the
applications.



The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,337,338,354,307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

There is no dispute that informant is a member of scheduled caste. According to FIR, for dispute relating to Rasta, 15 person including the petitioners committed assault with the weapons in their hand causing injury to Geeta Devi as well as injury to the father of the informant, as a result whereof, he died.

Learned counsel for the petitioners submits that there is counter case at Annexure-2 which would show that the deceased had died of accident from the vehicle of the petitioners and reason for occurrence in the counter case is alleged as false claim of the prosecution on the land of the petitioners' side. He further submits that the postmortem report would reveal that Doctor has not found any external injury. Hence, entire prosecution allegation appears to be false and fabricated.

Learned counsel for the State submits that the offence of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is prima facie made out because prima facie allegation is of commission of assault to a member of the



scheduled caste and if the police has not registered the case under the aforesaid offences that cannot be a ground to ignore the prima facie offence.

The postmortem report reveals that the Doctor found fracture of mandible and maxillary bone as well as fracture of the frontal bone of the deceased and the cause of death was Cardio-respiratory failure due to shock arising out of external and internal hemorrhage of the brain and skull.

Evidently, prima facie offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the petitioners. Hence, prayer for anticipatory bail is not maintainable.

Accordingly, the impugned order refusing prayer for anticipatory bail does not require any interference. Hence, both the applications stand dismissed in connection with Ghosi (Okari) P.S. Case No.406 of 2019 pending in the court of learned Chief Judicial Magistrate, Jehanabad.

Petitioners may surrender and prayer for regular bail.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

