

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17548 of 2020**

1. Ramchandra Prasad son of Late Ram Prasad
2. Laxman Prasad son of Late Ram Prasad
3. Bharat Prasad son of Late Ram Prasad
4. Santosh Kumar @ Ashok Kumar son of Sri Ramchandra Prasad
5. Rajesh Kumar @ Rajesh Prasad son of Sri Laxman Prasad
6. Sikardar Patel son of Sri Bharat Prasad
all R/o village- Khairatia, P.S.- Bettiah Muffasil (Manuapul), District- West
ChamparanPetitioners.

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2020 Heard learned counsel for the petitioners and Mr.
Bharat Bhushan, learned APP for the State.

Petitioners in the present case are seeking pre-arrest
bail in connection with Bettiah Town P.S. Case No. 102 of 2015
registered for the offences punishable under Sections 147, 148,
149, 427, 448, 323, 324, 326, 379, 504 of the Indian Penal
Code.

Learned counsel for the petitioners submits that the
petitioners and the informant are fighting on land dispute. It is
submitted that although there are allegations that the petitioners
entered in the house of the informant and assaulted the
informant and others but the injury reports available at
Annexure '2' series would show that all the injuries are simple
in nature and have been caused by hard and blunt object.



Learned APP for the State submits that the FIR was lodged on 26.02.2015 whereas these petitioners are approaching the Court for grant of pre-arrest bail in the year 2020. It is further submitted that from the injury report available at Annexure '2' series it would appear that the prosecution story have got force inasmuch as not only the informant rather all other family members of the informant have received assault and they have sustained injuries, may be simple in nature but the manner of occurrence suggests that the petitioners had gone together in the house of the informant and assaulted the informant and his family members. It is further submitted that in the petition also there is no statement as to the present stage of the case, whether chargesheet has been filed showing the petitioners as absconder has also not been stated.

Having regard to the facts and circumstances of the case and considering the submission made at the Bar, this Court has noticed that the case is of the year 2015 and even on query raised by this Court learned counsel for the petitioners is unable to state as to the present stage of the case, the injury reports present with the records show that the informant and the family members were assaulted and they have received injuries on their person, thus, in the nature of the materials present on the record



considering that after five years the petitioners are approaching the Court and are not declaring as to the present stage of the case, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners. Their prayer is, thus, refused.

The application is dismissed.

In case the petitioners surrender and pray for regular bail in the court below within a period of eight weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

