

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26438 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- HASANPUR District- Samastipur

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1. NARESH KUMAR Son of Ram Prasad Yadav @ Ram Prakash Yadav
Resident of Village - Shabhaipura, P.S. - Hasanpur, District -
Samastipur.
 2. Kailash Kumar Son of Ram Prasad Yadav @ Ram Prakash Yadav
Resident of Village - Shabhaipura, P.S. - Hasanpur, District -
Samastipur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Sr. Adv.
For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-11-2020 Heard Mr. Jitendra Narain Sinha, learned senior

counsel for the petitioners and Mr. Ram Priya Sharan Singh,

learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Hasanpur P.S. Case No. 224 of

2019 dated 01.11.2019 instituted for the offence under

Sections 307, 323, 324, 341, 354, 379, 504 and 506/34 of

the Indian Penal Code.

The allegation in the First Information Report is

that when the uncle of the informant refused to compound



the case in which the petitioner no. 1 was an accused, an occurrence took place in which both the petitioners are said to have assaulted the informant.

Learned counsel for the petitioners while canvassing for anticipatory bail submitted that the occurrence took place on 28.10.2019 but the report regarding the same was lodged on 01.11.2019 and it was endorsed by the Additional Chief Judicial Magistrate, Rosera only on 04.10.2019. He further submits that the victim was examined by the Doctors at two places and the injuries at both the places are different. On these grounds, it has been urged that the accusation against the petitioners is false and only because of old enmity, they have been made accused in this case.

However, looking at the nature of accusation against the petitioners, I am not inclined to grant anticipatory bail to them.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the Court below and seek bail, their petition shall be considered



on its own merit taking into account the nature of injury on the uncle of the informant and also taking into consideration that there is an old dispute between the parties and the order shall be passed in accordance with law without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained.

(Ashutosh Kumar, J)

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