

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25396 of 2020

Arising Out of PS. Case No.-03 Year-2020 Thana- GHOSI District- Jehanabad

- =====
1. Anil Sharma, aged about 51 years (Male), son of Late Raghunath Sharma.
 2. Prashant Sharma, 25 years (Male), son of Anil Sharma.
- Both resident of Village –Ghosi, P.S.-Ghosi, District Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Nitya Nand Neeraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Shivendra Prasad, learned counsel for the petitioners; Mr. Narendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Nitya Nand Neeraj, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Ghosi PS Case No. 03 of 2020 dated 03.01.2020, instituted under Sections 341/323/325/307/379/504/506/34 of the Indian Penal Code.



4. The allegation against the petitioners, who are father and son, is of brutal assault on the informant leading to fracture on both the hands and legs.

5. Learned counsel for the petitioners submitted that the case has falsely been lodged due to local village politics. It was submitted that the injury report of the informant has not been brought on record or produced before the police so as to establish that the same were caused, which raises serious doubts about the authenticity of the allegation. Learned counsel submitted that the petitioner no. 2 had earlier lodged Ghosi PS Case No. 366 of 2019 on 14.10.2019 against the persons belonging to the village of the informant in the present case alleging assault and snatching of gold chain and ring.

6. Learned APP submitted that there is specific and direct allegation of brutal assault leading to fracture of bones of the hands and legs as also snatching away of gold chain worth Rs. 50,000/- and Rs. 2,500/- cash from the pocket of the informant. It was submitted that initially the informant was taken to the local Sadar Hospital from where he was referred to PMCH in view of the serious nature of injuries. It was submitted that there is no material to show that the injury reports have not been produced before the police, as the informant was admitted



in PMCH in the Trauma Ward, which itself clearly proves that he was suffering from serious injuries and he could not have been admitted if he did not have those injuries, especially in PMCH. Learned counsel submitted that in view of direct and specific allegation of brutal overt act resulting in serious and grievous injuries on the informant, they do not deserve any indulgence.

7. Learned counsel for the informant submitted that serious injuries have been inflicted by the petitioners for which he was treated in PMCH and there is medical report certifying the same which is available with the police.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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