

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78333 of 2019

Arising Out of PS. Case No.-240 Year-2017 Thana- MASHRAK District- Saran

- =====
1. Santosh Kumar Ram @ Santosh Ram, aged about 34 years (Male)
 2. Hariom Ram, aged about 28 years (Male)
 3. Munna Ram, aged about 24 years (Male)

All are sons of Dhaneshwar Ram

All are resident of Village-Ben Chapra, P.S.-Mashram, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-09-2020

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

2. Heard Mr. Anil Kumar Sinha, learned counsel for the petitioners and Mr. Binod Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Mashrak PS Case No. 240 of 2017 dated 03.09.2017, instituted under Sections 341/323/324/504/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they had assaulted the informant and others causing grievous injuries.



5. Learned counsel for the petitioners submitted that the allegation is false and there was some skirmish between the parties for which petitioner no. 1 had also lodged Mashrak PS Case No. 248 of 2017. Learned counsel submitted that both the sides have suffered injuries, which are simple in nature. Learned counsel submitted that the petitioners have no criminal antecedent. It was submitted that the petitioner no. 1 is a *Vikas Mitra* and because of an adverse report submitted by him, the informant had not got money from the government due to which it was the informant which was aggrieved and they were the aggressors.

6. Learned APP, from the case diary, submitted that the injury report in the present case with regard to the informant as per the CT scan shows that the head injury found was dangerous to life and, thus, the Court below upon submission of charge sheet has also taken cognizance under Section 307 of the Indian Penal Code. It was submitted that the petitioner no. 1 has given a statement to the police after five days of the incident despite there being only simple injury on his person which indicates that it has been done only to create a defence in the present case.

7. 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.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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