

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79062 of 2019

Arising Out of PS. Case No.-340 Year-2019 Thana- LAHERIASARAI District- Darbhanga

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1. Md. Maksud @ Md. Batru, aged about 37 years (Male), son of Md. Mansur.
 2. Md. Mansur @ Md. Mansuk, aged about 70 years (Male), son of late Md. Islam.
 3. Md. Tabrej, aged about 30 years (Male), son of late Md. Jahir.
 4. Md. Anwar, aged about 22 years (Male), son of Md. Ali Hussain @ Md. Jakir.
 5. Md. Akram, aged about 25 years (Male), son of Md. Ali Hussain @ Md. Jakir.
 6. Md. Khursheed @ Md. Babu @ Md Babua, aged about 30 years (Male), son of Md. Mansur.

All are resident of Village/Mohalla-Donar, Sahara, India Gali, Police Station-Laheriya Sarai (Benta O.P.), District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-10-2020

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

2. Heard Mr. Ashok Kumar Prasad, learned counsel for the petitioners and Mr. Ramchandra Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with



Laheriasarai (Benta OP) PS Case No. 340 of 2019 dated 02.09.2019, instituted under Sections 147/ 148/ 341/ 323/ 307/ 354/ 379/ 504 of the Indian Penal Code.

4. The allegation against the petitioners is of having assaulted the informant and his other family members resulting in various injuries.

5. Learned counsel for the petitioners submitted that from the petitioners' side also, Laheriasarai (Benta OP) PS Case No. 339 of 2019 has been instituted in which they have suffered injuries. It was submitted that the petitioners had opposed the selling of the intoxicants in the shop run by the informant's side and due to this they had been assaulted. It was submitted that in the scuffle both sides have suffered injuries.

6. Learned APP, from the case diary, submitted that there is specific overt act alleged against the petitioners which is corroborated from the injury reports. It was further submitted that even if there was a fight between the parties, the petitioners have also inflicted blows on the informant side resulting in grievous injuries and, thus, they have clearly committed criminal offence. It was further submitted that except for petitioners no. 1, 2 and 3, the others have criminal antecedent also.



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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