

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9329 of 2020

Arising Out of PS Case No.-324 Year-2019 Thana- SHEIKHPURA District- Sheikhpura

1. Neeraj Thakur, Male (aged) 19 years.
2. Ranjeet Thakur, Male (aged) 22 years.
Both son of Nandey Thakur @ Nand Lal Thakur, Resident of Village - Eksari, PS and District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Anjani Prasad Singh, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-02-2021

Heard Dr. Anjani Prasad Singh, learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Sheikhpura PS Case No. 324 of 2019 dated 17.07.2019, instituted under Sections 341, 323, 448, 307, 380, 427 and 504/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioners and others is that they had assaulted the informant and his family members when they objected to the family of the petitioners trying to make



construction of the *chajja* of their house inside the land of the informant. Further, there is direct overt act alleged against petitioner no. 2 of giving blow on the head of the mother of the informant by the butt of the pistol and of also firing on the informant, though without causing any injury.

4. Learned counsel for the petitioners submitted that they have been falsely implicated and there is a counter case. It was further submitted that the allegation of firing against petitioner no. 1 is also false as no injury has been caused and that it was the informant party who were the aggressors as construction was being made by the petitioners upon their land. It was submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that there is direct allegation of criminal act against the petitioners and their father and it is obvious that all have acted with common intention being armed with firearms. It was further submitted that the petitioner no. 2 has assaulted by iron rod and also of having fired and hitting on the head by the butt of the pistol. He submitted that there is no averment; much less any material to indicate that there was any counter case for the same incident.



6. 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.

7. Accordingly, the application stands dismissed.

8. However, if the petitioners appear before the Court below within four weeks from today and pray for bail, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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