

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22613 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- SAMASTIPUR District- Samastipur

1. AMIT KUMAR @ AMIT KUMAR ROY @ AMIT KUMAR RAY SON OF ASHOK KUMAR RAY @ ASHOK RAY R/O VILLAGE- NATHUDWAR, P.S.- KHANPUR, DISTRICT- SAMASTIPUR.
2. SUMIT KUMAR @ SUMIT KUMAR ROY @ SUMIT KUMAR RAY SON OF ASHOK KUMAR RAY @ ASHOK RAY R/O VILLAGE- NATHUDWAR, P.S.- KHANPUR, DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioners are apprehending their arrest in Town P.S. Case No. 03 of 2021 registered under Sections 323, 341, 307, 325, 353, 504, 506, 34 of the Indian Penal Code.

Allegedly, the petitioners assaulted the informant with fist and slaps and broke left leg of the informant. Then, the petitioners tied Gamchha in neck of the informant and tried to strangle him.

It has been submitted on behalf of the petitioners that the



petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. Counsel for the petitioners has pressed Annexure-3 to the present application. The said application was made by Bhabhi of the informant addressed to the learned Sessions Judge, Samastipur. The husband of informant's Bhabhi, i.e. elder brother of the informant was an accused in some other case and for the said purpose, the informant of the present case had taken Rs. 50,000/- from his Bhabhi to get the matter settled. Somehow the matter could not be settled and ultimately, the Bhabhi of the informant had engaged the petitioner No. 1 as her lawyer. This was not liked by the informant who is, an employee of the District court and for the said reason, the informant came to the petitioners who are practicing lawyers of that court and an scuffle took place between them. In connection with the said scuffle, a petition was made by the petitioners before the concerned police station which is Annexure-2 to the present application. The injuries are on non-vital part of the body. Hence, no offence u/S 307 of the Indian Penal Code is made out.

On behalf of the State and the informant and the State, it is



submitted that the petitioners are named in the Complaint Case/F.I.R. The nature of injury is said to be grievous. The witnesses in paragraphs-6, 7 & 69 of the case diary have supported the occurrence.

Considering the aforesaid facts and circumstances, this court can say that it is an unfortunate incident which has taken place in the premises of the court wherein one side is the employee of the court and the other side are practicing lawyers of the court. Such incident should not have taken place.

Accordingly, I am not inclined to grant anticipatory bail to the petitioners. Hence, prayer for anticipatory bail to the petitioners is rejected.

If the petitioners surrender before the court below and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order. The court will be at liberty to take lenient view taking into account that the petitioners are practicing lawyers of the said court.

(Sudhir Singh, J)

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