

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30615 of 2021

Arising Out of PS. Case No.-641 Year-2020 Thana- HARNAUT District- Nalanda

1. Mahesh Ram, Male, aged about 55 years, S/o Late Jaipal Ram, R/o village-Lohara, P.S.- Harnaut, District- Nalanda.
2. Rita Devi, Female, aged about 50 years, W/o Mahesh Ram, R/o village-Lohara, P.S.- Harnaut, District- Nalanda.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Madhusudan Rai, Advocate.
For the Informant	:	Mr. Bishwa Vijay Kumar, Advocate.
For the State	:	Mr. Pawan Kumar Chourasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-09-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Rita Devi, as she has been taken into judicial custody in connection with Harnaut P.S. Case No. 641/2020, pending in the court of learned C.J.M. Biharsharif at Nalanda.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Rita Devi, is



dismissed as withdrawn.

Heard learned counsel for the petitioner no.1, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

Now, the petitioner no. 1 is apprehending his arrest in connection with Harnaut P.S. Case No. 641 of 2020 for the offence registered under Sections 452, 323, 504, 307/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 21.12.2020 at about 6.30 P.M., the uncle of the informant, namely, Jitendra Kumar, was going for irrigation of land, in the meantime, he saw that Mahesh Ram (petitioner no. 1) and co-accused Pawan Ram were removing Bamboos and the wire from the field and on objection by him, they started abusing and came to his house and assaulted due to non-supply of water for irrigation, in the meantime, co-accused Akhilesh Ram and the wife of Mahesh Ram (petitioner no. 1) began to assault with Lathi, Danda and Mahesh Ram (petitioner no. 1) and co-accused Akhilesh Ram fired from the roof of the house, as a result of which, the uncle of the informant sustained firearm injury on his head.

It has been submitted by learned counsel for the petitioner no. 1 that he has got no criminal antecedent. He has



falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. The petitioner no. 1 alongwith other co-accused person is alleged to have fired upon the uncle of the informant. It has further been submitted that the present case is counter blast to the case instituted by the petitioner's side prior to institution of the present case.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner no.1 is named in the present case. There is specific allegation of firing made by petitioner no. 1 and other co-accused. From perusal of the order of the learned Ist Additional Sessions Judge, Biharsharif, Nalanda, it appears that the injury report of the uncle of the informant supports the allegation made in the F.I.R.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner no. 1, namely, Mahesh Ram. The same is rejected in connection with Harnaut P.S. Case No. 641/2020, pending in the court of learned C.J.M. Biharsharif, Nalanda.

If the petitioner no. 1 surrenders and prays for regular bail in the learned court below the same shall be considered by the learned court below on its own merit without being



prejudiced by this order of the Court.

(Sudhir Singh, J)

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