

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29497 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- DURAULI District- Siwan

1. RAJESH RAM S/o Ram Dhyan Ram Resident of Village-Chakari, Police Station-Darauli, District-Siwan
2. Dhanesh Ram S/o Ram Dhyan Ram Resident of Village-Chakari, Police Station-Darauli, District-Siwan
3. Deepak Ram @ Deepak Kumar Ram S/o Ram Dhyan Ram Resident of Village-Chakari, Police Station-Darauli, District-Siwan
4. Ram Dhyan Ram Son of Late Mahashay Ram Resident of Village-Chakari, Police Station-Darauli, District-Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Jai Narayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-02-2021 Heard Mr. Ajay Kumar Tiwary, learned counsel for the petitioner and Mr. Jai Narayan Thakur, Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Darauli PS Case No. 127/2019 registered for the offence punishable under Sections 341, 323, 307, 427, 379, 504, 506/34 of the IPC.

3. The allegation, as per First Information Report, is that petitioners along with other accused persons assaulted the informant and his son.



4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case due to the previous enmity between the parties inasmuch as the side of the petitioners had lodged a case bearing Darauli PS Case No. 99/2019 against the informant for, allegedly, kidnapping the son of a co-accused, Ramdhyan Ram. Learned counsel further submits that the injury caused to the informant and others have been found to be simple in nature.

5. On the other hand, learned counsel for the State referring to the case diary, submits that the injury caused to the informant is grievous in nature and all the accused persons entered into the house of informant and assaulted him and his family members due to which four persons received injury.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that there is allegation against the petitioners of entering into the house of the informant and assaulting him and his son and others and altogether four persons received injury including informant who received grievous injury on his head, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the same is, hereby, rejected.



7. However, if the petitioners, if so advised, surrender before the court below within four weeks and seek regular bail, the same may be considered on its own merit without being prejudiced that the present application for anticipatory bail has been rejected.

(Anil Kumar Sinha, J)

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