

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 31753 of 2020**

Arising Out of PS Case No.-103 Year-2020 Thana- HALSI District- Lakhisarai

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1. Parasnath Yadav, Male age about 65 years, Son of Ramrakshai Yadav.
  2. Tuntun Yadav, Male age about 40 years Son of Parasnath Yadav.
  3. Nihar Bhushan Kumar, Male age about 18 years, Son of Tuntun Yadav.  
All residents of Village-Sahnagar, PS-Ramgarh Chowk, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Manoj Kumar Singh, Advocate |
| For the State        | : | Mr. Arun Kumar Singh No. 5, APP |
| For the Informant    | : | Mr. Vijay Kumar, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 22-02-2021**

Heard Mr. Manoj Kumar Singh, learned counsel for the petitioners; Mr. Arun Kumar Singh No. 5, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Vijay Kumar, learned counsel for the informant.

2. At the outset, learned counsel for the petitioners submitted that he may be permitted to withdraw the application on behalf of petitioner no. 1, Parasnath Yadav, as he has been arrested.

3. In view thereof, the application on behalf of petitioner no. 1, Parasnath Yadav, stands disposed off as



withdrawn and is limited to petitioners no. 2, Tuntun Yadav and petitioner no. 3, Nihar Bhushan Kumar.

4. The petitioners no. 2 and 3 apprehend arrest in connection with Halsi PS Case No. 103 of 2020 dated 04.06.2020, instituted under Sections 341, 323, 307, 504, 506, 402, 354B and 379/34 of the Indian Penal Code.

5. The allegation against the petitioners is that they had objected to the informant getting his beard shaved and had assaulted him.

6. Learned counsel for the petitioners submitted that the informant is a ward member and he had been misusing his authority and because the petitioners were opposing such conduct, they have been targeted and made accused in this false case. It was further submitted that the petitioners no. 2 and 3 have no criminal antecedent and that two co-accused, Rajballav Kumar and Ganga Yadav @ Bimal Yadav have been granted bail by the Court below.

7. Learned APP submitted that the allegation against the petitioner no. 2 is that he had scattered the rice, wheat flour and wheat and had also pelted bricks and stones and threatened to kill the family members and further that he had stolen Rs. 6,000/- and ornaments kept in a box and further against the petitioners no. 2



and 3 is of pulling the Aunt of the informant by her hair and tearing her clothes.

8. Learned counsel for the informant submitted that it has come during investigation that the petitioners behaved in a highhanded manner and they cannot tolerate others. It was further submitted that there are eye witnesses to the occurrence.

9. 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 no. 2 and 3.

10. Accordingly, the application stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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