

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32821 of 2020**

Arising Out of PS Case No.-178 Year-2016 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. Triveni Sada, aged about 46 years Male, Son of Lochan Sada.
 2. Raj Kumar Sada, aged about 50 years Male, Son of Lochan Sada.
Both residents of Village- Mohim Bujurg, PS- Kuseshwar Asthan, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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

ORAL JUDGMENT

Date : 23-03-2021

Heard Mr. Shailendra Kumar Jha, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Kuseshwar Asthan PS Case No. 178 of 2016 dated 29.08.2016, instituted under Sections 447, 341, 323, 324, 307, 504, 506 and 379/34 of the Indian Penal Code.

3. The petitioners along with others are accused of assault on the informant and the allegation specifically against the petitioner no. 1 is of giving iron rod blow on the head of Sachin



Sah whereas against petitioner no. 2, it is of inflicting *farsa* blow on the head on the informant's son.

4. Learned counsel for the petitioners submitted that they are neighbours and there is land dispute and also the wife of co-accused has filed complaint case for the same incident in which it is alleged that the informant side used to blame her of being a *daain* casting spells resulting in illness of the family members of the informant side. It was submitted that the petitioners have been falsely implicated having no criminal antecedent.

5. Learned APP submitted that the specific allegation of overt act of inflicting blow on the head by iron rod and *farsa* is against the petitioners which is corroborated by the injury report as has been recorded in the order of the learned Sessions Judge, Darbhanga in ABP Nos. 252 of 2019 and 263 of 2019 in order dated 13.11.2019 by which their prayer for anticipatory bail has been rejected.

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, on submission made by learned counsel for the petitioners, it is observed that if the petitioners appear before



the Court below and pray for bail, within four weeks from today,
the same shall be considered on its own merits, in accordance with
law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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