

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36416 of 2020

Arising Out of PS. Case No.-151 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. MUNDRIKA RAM Son of Late Shivnath Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
2. SHAMBHU RAM Son of Late Shivnath Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
3. SHRI RAM @ SHRI RAMJI RAM Son of Late Shivnath Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
4. PAWAN RAM @ PAWAN KUMAR RAM Son of Mundrika Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
5. AMIT KUMAR Son of Mundrika Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
6. AJEET KUMAR Son of Mundrika Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
7. CHANDRAPAL RAM @ CHANDRAPAL KUMAR Son of Sarvjeet Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
8. UPENDRA RAM @ UPENDRA KUMAR RAM Son of Chandrika Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.
9. SUNIL KUMAR @ SUNIL KUMAR RAM Son of Shiv Kumar Ram R/o Village-Sahuli, Uttar Tola Puraini, Post-Sahuli, P.S.-Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr. Kumar Birendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-06-2021 The learned counsel for the petitioners submits that petitioner No.1, Mundrika Ram, died during the pendency of this anticipatory bail petition and, therefore, seeks permission to withdraw the anticipatory bail petition of petitioner No.1.



Prayer is allowed.

The anticipatory bail petition of petitioner No.1 is dismissed as withdrawn.

Heard both sides.

The petitioners No. 2 to 9 apprehend their arrest in Hussainganj PS case No. 151/ 2020 registered under Section 302/34 and some other Sections of the IPC.

The informant, Butan Ram, alleged that on the alleged date of occurrence his mother was doing her domestic work in front of his house. On account of land dispute, Mundrika Ram, now dead, Shambhu Ram, Shri Ram, Pankaj Ram, Pawan Ram, Amit Kumar, Ajeet Kumar, Rajnish Kumar, Satish Ram, Chandrapal Ram, Upendra Ram and Sunil Kumar having armed with different weapons such as Lathi, sword and Farsa came to the Darwaja of the informant and began to abuse his mother. The informant and his father came to save. The accused persons assaulted the informant, his mother and father.

The learned counsel for the petitioners submits that there is a case and counter case. The petitioners also went to lodge the case but the police did not institute the case of the petitioners. Many persons from the side of the petitioners were also injured. The doctor did not find any external or internal



injury on the body of the deceased, Gandhi Ram. The informant, his mother, and others got simple injuries but from perusal of the records, it appears that the occurrence took place on the Darwaja of the informant. The petitioners are alleged to have assaulted the informant, his mother and father. The father of the informant got head injuries and he was referred to PMCH for treatment but on the next day he died. The post mortem held on the dead body of the deceased shows that head of the deceased was smashed. There was haematoma and fracture injuries on frontal and left middle line of head.

Taking into consideration the facts that all the petitioners are alleged to have assaulted the informant, his mother and father and on account of injuries found on the head the father of the informant died, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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