

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6205 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- KATEYA District- Gopalganj

1. Azad Alam, Son of Kalam Azad @ Sheikh Kalam Azad.
2. Sahabuddin Sheikh @ Shahabuddin Sheikh @ Sheikh Sahabuddin @ Sheikh Shahabuddin @ Sahabuddin Seikh, Son of Hasan @ Md. Hasan.
Both are resident of Village-Saidpura, P.S.-Kateya, District-Gopalganj.
3. Mohammad Alam @ Md. Alam, son of Late Islam Mian.
4. Guddu Alam @ Gudu Alam, son of Late Islam Mian.
5. Sheikh Kalam @ Seikh Kalam @ Kalam, son of Late Rasid Mian.
All are resident of Ujra Narayanpur, P.S.-Uchakagaon, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 17-12-2021 Heard learned counsel for the petitioners and Mr. Nirmal Kumar Sinha, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Kateya P.S. Case No. 118 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 448, 325, 504/34 of the Indian Penal Code. The petitioners have got no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioners submits that as per allegation altogether eight named accused persons came at the



house of the informant and they assaulted the informant, his wife and his son by lathi, danda, iron rod and spear.

Learned counsel for the petitioners submits that in fact the informant happens to be the father-in-law of the sister of petitioner no. 3 & 4. The present occurrence has taken place on account of a matrimonial dispute and sister of petitioner no. 3 & 4 has lodged a case being Kateya P.S. Case No. 167/2018 for the offence under Section 498A, 406, 307 and 120B of the Indian Penal Code. The informant had earlier lodged Kateya P.S. Case No. 218/2018 for the offence under Sections 341, 342, 323, 307 and 504/34 of the Indian Penal Code.

It is submitted that there is no specific allegation of assault against the petitioners. The allegations are general and omnibus. Learned counsel further submits that so far as the injuries sustained by the informant's side are concerned, those are on non-vital part of the bodies.

On the other hand, Learned A.P.P. for the State has drawn the attention of this court towards the injury report of the informant. Learned A.P.P. submits that the doctors have opined that injury no. 1 of the victim was simple in nature, however injury nos. 2, 3 and 4 have been found grievous in nature caused by hard and blunt substance.



It is further pointed out that the wife of the informant also sustained some injuries out of which injury no. 3 has been found to be grievous in nature. It is however submitted that son of the informant has also received at least five injuries on his body. Learned A.P.P. submits that in the aforesaid circumstance when the entire version of the F.I.R. saying that the informant, his wife and his son have been badly assaulted by the named accused persons and those are getting corroborated from the injury report, the petitioners do not deserve privilege of anticipatory bail.

This Court agrees with the submissions of learned A.P.P. for the State. The allegation are though general against all the accused but it appears from the totality of the circumstance that the allegation that all the accused persons have assaulted the informant, his wife and his son is getting corroborated from the multiple injuries suffered by them, some of which are grievous in nature, this Court is not inclined to grant privilege of anticipatory bail to these petitioners.

Prayer for pre-arrest bail of the petitioners is, thus, refused.

In case, the petitioners surrender and pray for regular bail in the learned court below within four weeks from today,



their prayer for regular bail shall be considered on it's own merit
without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

