

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7160 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- OBRA District- Aurangabad

1. Subhag Singh @ Ram Subhag Singh (M) aged about 45 years, son of Suryadayal Singh,
2. Kamlesh Singh @ Kamlesh Kumar (M) aged about 33 years, son of Suryadayal Singh
3. Ankit Kumar @ Ravi Kumar (M) aged about 21 years, son of Subhag Singh @ Ramsubhag Singh
All resident of Village- Srigoreya, P.S.- Obra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Rai, Advocate
For the State	:	Mr. Md. Arif, APP

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

ORAL JUDGMENT

Date : 15-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bindhyachal Rai, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioners submitted that petitioner no. 2 namely, Kamlesh Singh @ Kamlesh Kumar, has been arrested and, thus, he may be permitted to withdraw the application on his behalf.

4. In view thereof, as prayed for by learned counsel for the petitioners, the application on behalf of petitioner no. 2



namely, Kamlesh Singh @ Kamlesh Kumar, stands disposed off as withdrawn. The same is now restricted to petitioner no. 1 namely, Subhag Singh @ Ramsubhag Singh and petitioner no. 3 namely, Ankit Kumar @ Ravi Kumar.

5. The petitioners no. 1 and 3 apprehend arrest in connection with Obra PS Case No. 176 of 2020 dated 12.07.2020, instituted under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act, 1959.

6. As per the prosecution, the petitioners are alleged to have assaulted the informant and his elder brother causing injury and also that they fled away on other persons having gathered, by firing in the air and also threatening to kill them.

7. Learned counsel for the petitioners submitted that there is general and omnibus allegation and there was fight for which the petitioners' side has also filed Obra PS Case No. 177 of 2020. Learned counsel submitted that though the allegation is of assault and specifically by sword and *garasha* on the head but the injury report shows that it is by hard and blunt substance and, thus, the allegation itself is falsified. It was further submitted that the petitioners have no criminal antecedent.

8. Learned APP submitted that the injury report corroborates the allegation as the injuries have been found to be



grievous in nature. It was submitted that the weapon sword and *garasha* have two sides, one is the blunt side and the other is the sharp side and, thus, it cannot be said that the allegation in the FIR is falsified as injury has been found to be by hard and blunt substance and moreover, the injury caused is grievous and there is specific allegation of assault against the petitioners.

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 petitioner no. 1 namely, Subhag Singh @ Ramsubhag Singh and petitioner no. 3 namely, Ankit Kumar @ Ravi Kumar.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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