

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17873 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- CHANPATIA District- West Champaran

1. Hasmuddin Sheikh @ Shekh Hasamuddin Son Of Sheikh Dilsher Resident Of Village Senwariya, Tola Bharaha, Police Station- Chanpatiya (SIRISIYA O.P.), District- West Champaran
2. Sheikh Babu Jaan Son Of Hasmuddin Sheikh Resident Of Village Senwariya, Tola Bharaha, Police Station- Chanpatiya (SIRISIYA O.P.), District- West Champaran

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Anant Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-05-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Chanpatiya (Sirisiya O.P.) P.S. Case No. 209 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 307 & 302 of the Indian Penal Code.

Prosecution case is that in the backdrop of land dispute, an altercation took place in between the parties and in consequence



thereof, the informant, his nephew Sheikh Aniullah and other members were variously assaulted, as a result of which, they sustained injuries and the informant's nephew, Sheikh Aniullah succumbed to the injury in course of treatment.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to village politics. There is general and omnibus allegation of assaulting the deceased against the co-accused and the petitioner No. 1 causing him injury on the neck and head. So far petitioner No. 2 is concerned, he is alleged to have assaulted the Bhagina of the informant namely Idrish.

On behalf of the State, it is submitted that so far the petitioner No. 1 is concerned, there is specific allegation that he assaulted the deceased with lathi on head and neck. The postmortem report shows that the injury on the head of the deceased is said to have been caused by the hard and blunt substance. So far as petitioner No. 2 is concerned, from perusal of the injury report of Idrish, it appears that the said injury is grievous in nature.

Considering the aforesaid facts and circumstances, I am



not inclined to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected.

If the petitioners surrender in the court below and seek regular bail, the same shall be considered on its own merit without being prejudice by this order.

(Sudhir Singh, J)

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