

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9940 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- BARAULI District- Gopalganj

1. AMRENDRA KUMAR SINGH @ AMRENDRA SINGH Son of Late Surendra Singh Resident of Bharkuiyan Ward No. 6, P.S.- Barauli, District- Gopalganj.
2. Bishwajit Singh Son of Bhupendra Singh Resident of Bharkuiyan Ward No. 6, P.S.- Barauli, District- Gopalganj.
3. Nirmala Devi Wife of Bhupendra Singh Resident of Bharkuiyan Ward No. 6, P.S.- Barauli, District- Gopalganj.
4. Bhupendra Singh Son of Late Surendra Singh Resident of Bharkuiyan Ward No. 6, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sumit Kumar Jha
For the Opposite Party/s :	Mr. J.N.Thakur
	Mr.Ganesh Prasad Singh
	Mr. Arbind Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 30-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners, Mr. J.N.Thakur, learned APP for the State as well as learned counsel for the informant.

The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 447, 323, 325, 326, 379, 307, 504 and 506 and subsequently Section 302 of the Indian Penal Code was added, registered in connection with Barauli P.S.Case No. 343 of 2021.

As per allegation, when the informant was present in his school, he got an information that seven accused persons



named in the FIR equipped with iron rod pipe, *khanti* etc. went to his house and started abusing his mother Shila Devi. The informant rushed there and saw co-accused Arvind Singh inflicting iron pipe blow on the head of Shila Devi, the mother of the informant. She fell down on the ground in a pool of blood. When the informant attempted to rescue his mother, petitioner no.1 assaulted him with butt of the pistol on his head. Co-accused Abhishek Singh and Ashish Singh, who are not the petitioners, assaulted Sumit Kumar Singh with iron rod. The allegation against petitioner no.3 is that she took away the ornaments from the almirah of the informant. The mother of the informant died during the course of treatment.

The learned counsel for the petitioners has submitted that the specific allegation to assault the deceased Shila Devi is on co-accused Arvind Singh and not on the petitioners. He has submitted further that petitioner no.2 is a student, petitioner no.3 is a government servant and petitioner no.4 is a cancer patient. He has also submitted that there is case and counter case and the injuries suffered by the informant are simple in nature. He has next submitted that the members of the informant's side are on bail.

On the other hand, learned APP as well as learned counsel for the informant have submitted that the injury report of the informant was challenged and a Medical Board has been constituted. The members of the informant's side have been assaulted by the hands of the petitioners' side and petitioner no.3 is also the member of the unlawful assembly which murdered the mother of the informant. Learned APP has also submitted that the process under Section 82 of the Cr.P.C. has been issued, to which the learned counsel for the petitioners has submitted



that before issuance of process u/s 82 of the Cr.P.C., pre-requisite of issuance of warrant has not been complied.

Considering the above facts and circumstances, it is not a fit case for anticipatory bail. The prayer on behalf of the petitioners for anticipatory bail is hereby rejected.

If the petitioners surrender and seek regular bail in the court below, that shall be disposed of on its own merit on the same day, without being prejudiced by this Order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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