

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29888 of 2022

Arising Out of PS. Case No.-488 Year-2021 Thana- GHORASAHAN District- East
Champaran

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1. AJAY MALI S/O YOGENDRA MALI RESIDENT OF VILLAGE-BIJBANI JAGIRAH, P.S.- JITNA, DIST.- EAST CHAMPARAN
 2. SANJAY MALI S/O YOGENDRA MALI RESIDENT OF VILLAGE-BIJBANI JAGIRAH, P.S.- JITNA, DIST.- EAST CHAMPARAN
 3. MUNNA MALI S/O GANESH MALI RESIDENT OF VILLAGE-BIJBANI JAGIRAH, P.S.- JITNA, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SANJAY MALI YOGENDRA MALI BIJBANI JAGIRAH
3. MUNNA MALI GANESH MALI BIJBANI JAGIRAH

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-10-2022 Heard the parties.

Petitioners apprehend their arrest in connection with Ghorasahan (Jitna) P.S. Case No.488/2021, registered for the offence punishable u/s 147, 341, 323, 307, 302, 120-B IPC.

Allegedly, all the F.I.R. named accused persons including the petitioners have abused and assaulted the father of informant and when the family members came to save him, then the accused persons assaulted them and dashed the informant's father, due to which he sustained serious injury and died in course of treatment.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics and previous enmity. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that there is no mens rea or motive to commit the alleged occurrence. It is further submitted that there is general and omnibus allegation the petitioners. The postmortem report has also not supported the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail and submits that there is specific allegation in the F.I.R. that the accused persons including the petitioners in furtherance of common intention assaulted the father of informant, due to which, he sustained injuries and died in course of treatment.

Having regard to the facts and circumstances of the case, considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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