

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57625 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- ARIYARI District- Sheikhpura

1. BABLU KUMAR @ BABLU SINGH Son of Rudradev Singh @ RUDO SINGH R/V- Kemra, P.S- Ariyari, dist- Sheihpura
2. D.M Kumar Son of Rudradev Singh @ RUDO SINGH R/V- Kemra, P.S- Ariyari, dist- Sheihpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Md.Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 379 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that while he was going to his field, the accused persons intercepted him and petitioner no.1 tied a towel around his neck and pointed pistol, thereafter Sanjeet and Dablu assaulted by rod and khanti causing injury on head, it is next alleged that



Dilkhush assaulted by knife causing injury on his hand and shoulder, thereafter it is alleged that petitioner no.2 assaulted by lathi causing fracture of hand and Bhushan assaulted by lathi causing injury on leg and Shankar pointed pistol.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that there is a delay of three days in instituting the FIR, it is also submitted that as far as petitioner no.1 is alleged the allegation against him is ornamental and petitioner no.2 though it is alleged that he assaulted, but then assault is on non-vital part of the body.

Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that no doubt the allegation against petitioner no.1 is of tying a towel around the neck and against petitioner no.2 it is alleged that he assaulted by lathi causing injury on hand, but then both the father and the son were intercepted by 7-8 persons and the accused persons assaulted him brutally causing injury over head shoulder and Dilkush even stabbed the injured which clearly goes to show the mindset of the accused persons, it is also submitted that had so many accused would not have intercepted the informant and his son then perhaps such occurrence could



have been averted by them, it is next submitted that once a person is injured in the manner it is alleged the natural conduct is to get treatment first and then to institute an FIR so the delay is not fatal, it is next submitted that from perusal of the impugned order itself it would manifest that the injured was referred to higher center Pawapuri Medical College for CT scan of brain which clearly goes to show that the assault was brutal.

Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

Accordingly, the anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

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