

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56496 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- MAHUA District- Vaishali

1. SATISH KUMAR @ NITISH KUMAR Son of Upendra Rai @ Pauta Resident of Village - Sighada Tand, P.S.- Mahua, District - Vaishali at Hajipur.
2. Nitish Kumar @ Nikku Son of UPendra Rai @ Pauta Resident of Village - Sighada Tand, P.S.- Mahua, District - Vaishali at Hajipur.
3. Atish Kumar @ Bihari Kumar Son of Upendra Rai @ pauta Resident of Village - Sighada Tand, P.S.- Mahua, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2022 Heard the parties.

The petitioners apprehend their arrest in connection with Mahua P.S. case no.296 of 2021, registered for the offence punishable under Sections 147, 148, 149, 341, 448, 323, 324, 307, 354(B), 380, 427, 302, 504 of the Indian Penal Code.

The allegation against the petitioners is that they alongwith other co-accused persons have indiscriminately assaulted the informant and his family members by means of deadly weapons due to which they sustained injuries. It is further alleged that all the accused persons entered into the house of the informant and damaged the house-hold articles and



took away valuable ornaments. The husband and brother-in-law of the informant were referred to Sadar Hospital for better treatment, but during the course of treatment her brother-in-law died and the condition of her husband is very serious.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The petitioners and the informant are pattidar and land dispute is going on between the parties. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioners that they assaulted the informant's husband and devar brutally with knife. He further submits that from the perusal of para-39 of the case diary it is clear that the cause of death is due to shock and hemorrhage and the injuries are caused by sharp as well as blunt substance.

Having regard to the facts and circumstances of the case and considering the nature of offence, 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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