

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47111 of 2023

Arising Out of PS. Case No.-320 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. BABU LAL RAM, aged about 50 yrs, Gender, Male, S/O RAGHU RAM
 2. Shyam Lal Ram, aged about 45 yrs, S/O Raghu Ram
 3. Vinay Ram, aged about 28 yrs, S/O Babu Lal Ram
 4. Chhote Lal Ram, aged about 19 yrs., S/O Khara Ram
 5. Ashok Ram, aged about 30 yrs, S/O Khara Ram
 6. Raja Ram, aged about 32 yrs, S/O Khara Ram
 7. Sanjit Kumar, aged about 25 yrs, S/O Babu Lal Ram
 8. Ajit Kumar, aged about 22 yrs, S/O Babu Lal Ram
- All are R/O Village- Ratwar, P.S- Bhabua, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Parwej Khan, Advocate
For the State	:	Mr.Murli Dhar, APP
For the informant	:	Mr. Rajani Kant Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-09-2023

1. Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with Bhabua P.S. Case No. 320 of 2023 dated 19.04.2023 registered for the offence(s) punishable under Section(s) 341, 323, 324, 427, 504 read with 34 of the Indian Penal Code and subsequently Section 307 of the IPC was added.

3. As per the allegation, the informant alleged that these petitioners assaulted him and his companions by means of *lathi, danda* etc. during a scuffle that took place in between



them.

4. The main submissions advanced by the learned counsel for the petitioners are that as per FIR, eight accused persons, who are petitioners, assaulted the informant and two other persons by means of *lathi* and *danda* but all the said victims sustained simple injury as per the injury reports, which have been filed as Annexure 3 series and the alleged occurrence was not pre-planned and the same took place on the eve of a ceremony running in the Ravidas Temple and there is no specific allegation against any of the petitioners. Further submissions are that the petitioners have fair and clean antecedent and there is case and counter case and in fact accused persons of the FIR, lodged on behalf of the petitioners' side, were in intoxicated condition which resulted in scuffle and finally led to the commission of the alleged occurrence.

5. Learned counsel appearing for the informant has vehemently opposed the bail prayer of all the petitioners and submitted that though the injuries of the injured persons have been opined to be simple in nature but in view of the photographs of the injured persons which are with him, the said injured persons sustained serious injuries, hence the petitioners do not deserve to the privilege of anticipatory bail.



6. Learned APP appearing for the State has also opposed the bail prayer.

7. Considering the nature of the allegation appearing against the petitioners as well as the injuries sustained by the injured persons as pointed out by learned counsel for the informant and also the fact that the investigation is pending in the present matter, in my opinion, the petitioners do not deserve to the privilege of anticipatory bail. Accordingly, their bail prayer stands rejected.

8. The petitioners are directed to surrender before the trial court. If they surrender within 15 days from the date of this order then the learned trial court shall decide the regular bail prayer of the petitioners preferably on the same day on merit, without being prejudiced by this order.

(Shailendra Singh, J)

Sanjay/-

U		T	
---	--	---	--

