

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64628 of 2022

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

1. SANJIT KUMAR Son of Rudradev Singh R/o Village - Kemra, P.S.- Ariyari, Dist.- Sheikhpura.
2. Dilkhush Kumar Son of Shankar Singh R/o Village - Kemra, P.S.- Ariyari, Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinkar Kumar, Adv.
For the Opposite Party/s	:	Mr.Rabindra Kumar, APP
For the informant	:	Mr. Rajeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and the State as also the informant through video conferencing in view of the Covid-19.

The petitioners apprehend their arrest in connection with Ariyari P.S. Case No. 150 of 2021 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 379, 506 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution story, the informant alleged that as soon as he reached near the house of Makeshwar Singh and Ram Sagar Singh, the named accused persons including the two petitioners herein surrounded and allegation against the petitioner No. 1 is of using rod while petitioner No. 2 gave knife



blow causing injury on his hand and shoulder. Further allegation against other accused persons are also using 'khanti' and 'lathi' which caused injuries upon him. Subsequently, he was taken to Ariyari Hospital and in unconscious condition referred to Sheikhpura Sadar Hospital and from there to the Medical College for better treatment.

Learned counsel for the petitioners submit that they are young boys and so far as this assault by 'khanti' on his head is concerned, it is on Dablu Kumar.

The Further submission is that all the injuries have been found to be by hard and blunt substance as observed by the learned Sessions Judge.

Per contra, learned counsel for the informant submits that each and every accused persons have contributed to the injuries upon the person of the informant which included the two petitioners who gave rod blow as also knife injury to him.

Further submission is that one of the similarly placed co-accused, Dablu Kumar had moved in anticipatory bail before the Patna High Court in Cr. Misc. No. 57625 of 2022 which stands rejected.

The last submission is that the injuries have been found to be grievous in nature and the informant despite passage



of almost two years is still under treatment.

Considering the kind of allegation that has come against two petitioners is of giving rod injury as also the knife injury to the informant which has found to be grievous in nature, no relief can be extended to them which is accordingly rejected.

(Rajiv Roy, J)

Ajay Singh/-

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