

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25192 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- JAMHOR District- Aurangabad

1. Pawan Singh S/O- Suryadeo Singh R/O- Village- Makhra Tole Mani Bigha, P.S.- Jamhore, Dist.- Aurangabad.
2. Chandan Singh S/O- Suryadeo Singh R/O- Village- Makhra Tole Mani Bigha, P.S.- Jamhore, Dist.- Aurangabad.
3. Dharmendra Singh S/O- Lalan Singh R/O- Village- Makhra Tole Mani Bigha, P.S.- Jamhore, Dist.- Aurangabad.
4. Pintu Singh S/O- Rajdeo Singh R/O- Village- Makhra Tole Mani Bigha, P.S.- Jamhore, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamlendra Prasad Singh, Adv.
For the State	:	Mr.Umesh Lal Verma, APP
For the Informant	:	Mr. Tej Narayan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as also counsel for the Informant. Perused the case diary.

2. The petitioners apprehend their arrest in connection with Jamhore P.S. Case No. 229 of 2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the accused petitioner no.1/Pawan Singh came at the shop of the Informant and demanded cigarette. When he denied for the same, then Pawan



Singh abused him and tried to pull out him and raised Hulla. Thereafter, all the accused persons including the petitioners came there. On Hulla, the mother of the Informant came and tried to pacify the matter then the petitioner no.1/Pawan Singh snatched Lathi from the co-accused Suryadeo Singh and assaulted his mother with Lathi as a result of which, she fell down. Thereafter, all the accused persons assaulted her with leg and fist uptill her death.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. He submits that both the parties are own *Gotias* and there is an old land dispute between them which is still going on. He submits that though there is an allegation of *Lathi* blow on the Informant but, the deceased has not received any external injury. The specific allegation of assault by *Lathi* has been made on the petitioner no.1/Pawan Singh and, on rest of the petitioners, the allegation is general and omnibus by means of leg, fat and fist. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioners further submits that the co-accused Suryadeo Singh has been granted regular



bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 21884 of 2024.

6. Learned A.P.P. for the State and the Informant oppose the prayer for anticipatory bail of the petitioners stating that the petitioners are named accused in the F.I.R. and the allegation made against them is serious in nature.

7. Considering the fact that there is a direct allegation of assault by *Lathi* on the petitioner no.1, above named, his prayer for anticipatory bail is rejected.

8. It appears that the allegation made against the petitioner nos. 2, 3 & 4 is of assaulting the deceased by means of leg, fist and fat and the same is general and omnibus in nature. Accordingly, the prayer for anticipatory bail of the petitioner nos. 2, 3 & 4, above named, is also rejected. If they surrender before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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