

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27369 of 2020

Arising Out of PS. Case No.-216 Year-2019 Thana- DORIGANJ District- Saran

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1. Dhrup Ray S/O- Late Jaknak Ray R/O- Village - Maujam Pur Ke Tola Panauliya, P.S. - Awatar Nagar, Dist. - Saran at Chapra.
 2. Ramji Ray S/O - Dhrup Ray R/O- Village - Maujam Pur Ke Tola Panauliya, P.S. - Awatar Nagar, Dist. - Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Ajit Kumar Singh, Advocate
For the State	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-02-2021 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Doriganj P.S. Case no. 216 of 2019 registered for the offence punishable under sections 302, 341, 323, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, over a dispute relating to cultivation of the agricultural land, it is stated that the accused persons variously armed with iron rod and lathi etc, assaulted the informant and others leading to the death of brother of the informant.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. In any view of the matter the allegations are general and omnibus



in nature. No specific overt act has been alleged against the petitioners. It is submitted that so far as petitioner no. 1 is concerned, he is the 75 year old man suffering from various ailments and is unable to move without assistance. The petitioners have no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Case diary called for in the case has been received.

Having heard learned counsel for the parties and on perusal of the postmortem report it transpires that the cause of death is stated to be cranio cerebral damage caused by hard and blunt force, which thus supports the allegation as levelled in the FIR. Thus, in the facts of the case, the Court is not inclined to enlarge the petitioners on anticipatory bail and the same is rejected.

However taking into consideration the facts and circumstances of the case, if the petitioners surrender within a period of six weeks from today and pray for bail, the learned Court below shall consider the application without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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