

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45855 of 2015

Arising Out of PS.Case No. -265 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

=====

Chandeshwar Thakur Son of Late Dewan Thakur Resident of Village -
Gaura, P.S. Sahebganj, District - Muzaffarpur

... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. J.N.Thakur(App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-10-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation for offence under sections 341, 323, 307, 379, 504/34 of the Indian Penal Code and that the First Information Report as with regard to the aforesaid occurrence allegedly taking place at 4 P.M. on 13.8.2014 had been instituted on 6.9.2014, learned counsel for the petitioner comes out to say that the whole case should be disbelieved.

3. This Court would find that the Fard Beyan of the informant with regard to the occurrence taking place on 13.8.2014 at 4 P.M. was recorded at 9 A.M. on 14.8.2014 at the Police Camp by one Police Sub-Inspector, namely, Upendra Narain Shahi. Thereafter the case, however, seems to have been registered on 6.9.2014 by a different Police Station on the basis of the aforesaid Fard Beyan was recorded by Upendra Narain Shahi. It, thus,



becomes clear that there is no delay at least on the part of the victim injured person in getting the Fard Beyan recorded and therefore, if such Fard Beyan was sent to the concerned Police Station in which occurrence had taken place there cannot be said to be any delay in lodging of the F.I.R. As a matter of fact the informant in the Fard Beyan has made it clear that his statement was being recorded at Sri Krishna Memorial College and Hospital, Muzaffarpur (SKMCH) which is situated within the territorial jurisdiction of Ahiyapur Police Station. The Police Officer Upendra Narain Shahi was posted at Ahiyapur Police Station and that is how he has recorded the Fard Beyan on 14.8.2014 and thereafter has sent it to the Police Station, namely, Sahebganj where it was lodged by the police on 6.9.2014. This Court therefore does not feel that the case diary should be called for as is being prayed by the learned counsel for the petitioner.

4. The next submission of the learned counsel for the petitioner is that if the informant injured person was at SKMCH how could he be treated or examined by the doctor at Primary Health Centre, Sahebganj and in this regard he doubts the injury report by claiming it to be 'manufactured'. This Court, however, will find it difficult to accept this submission as well. The injured informant having sustained injury at 4 P.M. on 13.8.2014 if he was



taken to the nearest Primary Health Centre, Sahebganj and there some injury was recorded by the doctor, the same cannot be said to be 'manufactured' only because the informant did not wait for the police to come at Primary Health Centre or did not go to Sahebganj Police Station for recording of his Fard Beyan instead of rushing to SKMCH, Muzaffarpur for saving his life. This Court in fact also does not find anything to discard the injury report, as contained in Annexure 3 much less it held to be manufactured.

5. Coming to the next submission of learned counsel for the petitioner that the petitioner had filed an earlier F.I.R. before Sahebganj Police Station on 14.08.2014 and therefore, the subsequent version given by the informant particularly on account of its being registered on 6.9.2014 should be disbelieved, especially when there is no injury report produced by the informant of his being further treated at SKMCH, Muzaffarpur also does not appeal to this Court. The petitioner may have rushed to the nearest police Station inasmuch as he was not having incised injury on his neck as the informant had and therefore, if the informant firstly went to the Primary Health Centre for saving his life and thereafter was referred to SKMCH, Muzaffarpur, this Court will not find that the Fard Beyan given by him to the Police Officer in the morning of 14th August will become a useless paper

only because the petitioner had filed an earlier F.I.R. on 14.8.2014.

6. As with regard to there being no injury report of the Medical College this Court must record that at this stage this Court has to only see as to the initial injury report that had been prepared by the doctor examining the informant and that was only possible at Primary Health Centre where the informant was taken and from such injury report it becomes absolutely clear that whatever was alleged against the petitioner in the Fard Beyan has been fully substantiated, inasmuch as there is a corresponding incised injury which was possible to be caused by the weapon of Chhura in the hand of the petitioner.

7. Thus, for the reasons indicated above, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. This application is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--