

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41577 of 2014

Arising Out of PS.Case No. -84 Year- 2014 Thana -SIMARI District- BUXAR

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Santosh Kumar Singh @ Santosh Singh Son of Sri Pashupati Singh
Resident of Village - Chhotaka Rajpur, Police Station - Simari in the
District of Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 27.04.2015 Heard learned counsel for the petitioner,
learned A.P.P. for the State and learned counsel for the
informant.

The petitioner apprehends arrest in
connection with Simari (Tilak Rai Ke Hata O.P.) P.S. Case No.
84 of 2014 dated 20.05.2014 instituted under Sections
447/341/323/324/307/506/504/34 of the Indian Penal
Code and 27 of The Arms Act, 1959.

Learned counsel for the petitioner submits
that from the same occurrence, there is case and counter case
from both sides and the parties are agnates. It is submitted
that the prosecution party was in fact the aggressor and in
self defence, there was scuffle resulting in injury on both
sides. Learned counsel submits that in the counter case also

injuries have been found on the person of the accused in the present case and further there was no repetition of blow which clearly shows that there was no intention to kill. Learned counsel submits that in the other case the accused has been granted anticipatory bail by the Court below itself.

Learned A.P.P., upon going through the case diary, and learned counsel for the informant oppose the prayer for anticipatory bail and submit that there has been wound on four persons and on one it is grievous and the allegation against the petitioner is direct of assault by knife which is corroborated by the injury reports.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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