

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15646 of 2016

Arising out of PS.Case No. -227 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

Sanjay Singh @ Chuha, Son of Sidheshwar Singh, resident of Sargaw, P.S.
Noor Sarai, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ram Kumar Singh, Advocate.

For the Opposite Party : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsels for the petitioner, informant and
learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Noor Sarai P.S. Case No. 227 of 2015 for the offences
instituted under Sections 341, 323, 324, 326, 307, 504/34 of the
IPC and 27 of the Arms Act.

The prosecution story, in brief, is that when the
informant and his son were returning their home after worshipping,
three accused persons, including the petitioner, surrounded him
and started abusing him and, on protest being made, on the order
of co-accused Nirala Singh, this petitioner Sanjay Singh fired
causing injury to the son of the informant. Thereafter, it is alleged

that other accused Sidheshwar Singh assaulted the son of the informant by *Lathi* due to which he received grievous injury. The injured was taken to hospital at Patna.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case due to mistake of fact. There is admitted enmity between the parties.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation of assault against the petitioner. The persons who have been granted bail there was no allegation of assault against the said persons.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Noor Sarai P.S. Case No. 227/2015, G.R. No. 3272/2015, pending in the court of the learned C.J.M. Nalanda at Biharsharif. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order and if possible, preferably on the same day.

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(Sudhir Singh, J)