

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32728 of 2016

Arising Out of PS.Case No. -285 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

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1. Kamendra Singh Son of Sri Surith Singh Resident of Village- Majhiwan,
P.S charpokhari District Bhojpur Ara, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 26-09-2016 Heard both sides.

The petitioner apprehends this arrest in Charpokhari
P.S. Case No. 285 of 2015, registered for the offences punishable
under Section 324 and other Sections of the Indian Penal Code.
Later on Section 302 was added.

The informant alleged that Kamendra Singh and his
brother having armed with different weapons came and assaulted
Harilal Singh and Sukeshra Devi. Dinesh Singh assaulted with
Farsa and the petitioner assaulted Sukeshra Devi with iron rod
causing head injury. The informant alleged that there is a land
dispute between the parties that is why the occurrence took place.

Learned counsel for the petitioner submits that there
is a counter version bearing Charpokhari P.S. Case No. 284/2015

under Section 325 and other Sections of the Indian Penal Code. Wife of the petitioner named the informant Mahesh Singh and others and alleged that they all assaulted her and her husband Kamendra Singh. The case of the petitioner is earlier filed. The S.P. supervised the case and found that the petitioner was not present at the place of occurrence. The Investigating officer after investigation of the case submitted final form but the cognizance was taken under Section 302 of the Indian Penal Code against the petitioner.

From perusal of the case diary it appears that the time of occurrence of both the cases are 8 am. There is specific allegation that the petitioner also assaulted Sukeshra Devi with iron rod on her head and his brother Dinesh Singh assaulted Harilal Singh with *Farsa* on his head. During course of treatment, Harilal Singh died. The petitioner appears to be a Chaukidar and that is why Investigating Officer did not collect the injury report of the injured.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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