

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32786 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -LAXMIPUR District- JAMUI

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1. Rohit Kumar Mehra Son of Mahendra Das resident of village- Nazari,
P.S.- Laxmipur, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Bharat Lal

For the informant : Mr. Samir Kumar Singh

For the Opposite Party/s : Mr. Sri Shailendra Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-09-2016 Heard learned Senior Counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Laxmipur P.S. Case No. 229/2015 registered for the offences
punishable under Sections 147/324/364(A)/307/379 of the Indian
Penal Code and Section 27 of the Arms Act.

Learned Senior Counsel appearing on behalf of the
petitioner submits that the petitioner is Rohit Kumar Mehra and
not Rohit Das as alleged in the First Information Report. He
further submits that there was some animosity between the father
of the present petitioner and the Inspector In-charge and, therefore,
his father had lodged informatory petition earlier prior to the
lodging of the present First Information Report that he may be

implicated in a false case. He further submits that though the petitioner stands named in the First Information Report, there is no further material in the case diary so as to implicate him and the petitioner not being one and the same person, cannot be roped in, in connection with the present case.

Learned counsel appearing on behalf of the informant seriously contested the matter and submits that in another case in which the petitioner was an accused, the petitioner has categorically referred to himself as Rohit Kumar Mehra alias Rohit Das son of Mahendra Das. In support of his contention that the Rohit Kumar Mehra and Rohit Das are one and the same person, he has also brought on record a Vakalatnama and Appearance Slip (*Hazri*) of the other case wherein he was seeking regular bail.

Diary in this case was called for earlier, which has, since been received.

Learned Additional Public Prosecutor for the State after perusal of the case dairy submits that in paragraph Nos. 8, 10, 16 and 56 of the case dairy, it is evident that the informant who is the victim had been brutally attacked and had been given a fire-arm injury. Retorting to the said submission, learned Senior Counsel submits that no fire-arm injury has been found on the person of the

informant as alleged in the First Information Report. However, learned counsel appearing on behalf of the informant has brought to my notice, the injury report from the Sadar Hospital, Jamui as well as the Patna Medical College and Hospital, Patna from where he had traversed to finally private hospital where the injury report is also said to have been given and in the said injury report, the fire-arm injury has been clearly indicated.

Having considered all facts and circumstances of the case and the materials which are available in the case diary, I am not inclined to grant anticipatory bail to this petitioner. It is accordingly rejected.

(Anjana Mishra, J)

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