

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44930 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -SIRDALA District- NAWADA

- =====
1. Shiv Shankar Singh, Son of Late Narayan Singh.
 2. Hemendra Kumar @ Tinku Singh, Son of Shailendra Singh.
- Both are resident of Village - Mirjapur, P.S. - Maiskaur, District - Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Prasad Singh, Mr. Satyendra Narayan Verma & Mr. Kirti Keshar, Advocate
For the State	:	Mr. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with
Sirdala (Maiskaur) P.S. Case No. 31 of 2016 dated 04.02.2016
instituted under Sections 147/ 149/ 323 / 324 / 341/ 307/ 379 /504 /
506 of the Indian Penal Code.

The allegation against the petitioners, along with two
others, is of assault by butt of revolver, *Garasa* and *Khanti* and also
against another co-accused of taking away Rs. 5,000/-, a gold chain
and a mobile phone.

Learned counsel for the petitioners submits that there
was fight between the parties and there is also a counter case. It is



submitted that the informant, along with one Kapil Sharma, were in a drunken state and at the house of petitioner no. 2 started abusing the petitioner no. 1, due to which scuffle erupted and there was brick batting from both sides. It is submitted that as per the allegation, the informant was assaulted on the head with butt of the revolver, *Garasa* and *Khanti* but the injury report discloses one injury on the head caused by sharp cutting weapon. It is stated that due to general brick batting, by chance, the injuries have occurred to the person of the informant and there was no deliberate attempt by the petitioners for causing any injury. It is further submitted that the petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that from the injury report, it is clear that there were two sharp cutting injuries, one on the left side of head in the front 2" x 1/4" and the other at the back side 1" x 1/4". It is submitted that the present two petitioners have been specifically alleged to have assaulted the petitioners on the head with *Garasa* and *Khanti*, which are sharp edged weapons and, thus, the two injuries found, fully corroborate the allegation in the *fardbeyan* and are on the vital part of the body i.e., the head.

The Court has perused the injury report after a copy of the same was produced by learned counsel for the petitioners and

finds that the submission of learned A.P.P. that there were two injuries caused by sharp cutting weapons stands corroborated.

Having considered the rival contentions, the Court is not inclined to enlarge the petitioners on anticipatory bail.

Accordingly, the prayer is rejected.

(Ahsanuddin Amanullah, J.)

P. Kumar

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